

**CS/SB 1264** by **ED, Legg**; Digital Classrooms

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**SB 7050** by **GO**; Digital Classrooms

**CS/SB 948** by **HE, Gaetz**; (Compare to CS/CS/1ST ENG/H 0587) Education

449092 D S L RCS AED, Gaetz Delete everything after 04/10 06:40 PM  
645424 AA S L WD AED, Legg Delete L.639 - 655. 04/10 06:40 PM

**SB 888** by **Detert**; (Compare to CS/CS/1ST ENG/H 0587) Educator Professional Practices

885500 A S WD AED, Simmons Delete L.30 - 98: 04/08 02:00 PM

**CS/SB 1260** by **CF, Bean**; (Similar to H 0699) Florida Centers for Independent Living

756620 A S L RCS AED, Stargel Delete L.105 - 116: 04/10 06:40 PM

**CS/SB 1252** by **HE, Stargel**; (Compare to CS/1ST ENG/H 7125) Higher Education

383046 A S AED, Stargel Delete L.112 - 170: 04/07 09:51 AM  
204804 AA S AED, Stargel Delete L.60: 04/08 07:58 AM  
160058 A S AED, Stargel Delete L.942 - 943: 04/07 09:52 AM  
138510 A S AED, Stargel Delete L.1115 - 1119: 04/07 09:52 AM

**SB 942** by **Gaetz**; (Identical to H 0993) Rapid Response Education and Training Program

**SB 72** by **Flores**; (Identical to H 3553) Relief of Altavious Carter by the Palm Beach County School Board

**CS/SB 68** by **JU, Legg**; (Identical to CS/H 3511) Relief of Carl Abbott by the Palm Beach County School Board

**SB 1522** by **Detert**; (Compare to CS/H 7125) Workforce Training

786518 D S RCS AED, Galvano Delete everything after 04/10 06:40 PM

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

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Senator Gaetz, Chair**  
**Senator Montford, Vice Chair**

**MEETING DATE:** Wednesday, April 8, 2015  
**TIME:** 10:00 a.m.—12:00 noon  
**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Gaetz, Chair; Senator Montford, Vice Chair; Senators Bullard, Galvano, Legg, Ring, Simmons, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 68</b> Judiciary / Legg (Similar H 3511)	Relief of Carl Abbott by the Palm Beach County School Board; Providing for the relief of Carl Abbott by the Palm Beach County School Board; providing for an appropriation to compensate Carl Abbott for injuries sustained as a result of the negligence of an employee of the Palm Beach County School District; providing a limitation on the payment of fees and costs, etc.  SM     01/26/2015 Recommendation: Favorable JU     02/03/2015 Fav/CS AED    04/08/2015 Favorable AP	Favorable Yeas 6 Nays 0
2	<b>SB 72</b> Flores (Identical H 3553)	Relief of Altavious Carter by the Palm Beach County School Board; Providing for the relief of Altavious Carter by the Palm Beach County School Board; providing for an appropriation to compensate Mr. Carter for injuries sustained as a result of the negligence of a bus driver of the Palm Beach County School District; providing a limitation on the payment of fees and costs, etc.  SM     02/26/2015 Recommendation: Favorable JU     03/03/2015 Favorable AED    04/08/2015 Favorable AP	Favorable Yeas 5 Nays 1
3	<b>SB 888</b> Detert (Compare CS/CS/H 587, S 1262)	Educator Professional Practices; Authorizing certain employees or agents of the Department of Education to have access to certain reports and records; revising the membership of the Education Practices Commission; authorizing the Commissioner of Education to appoint emeritus members to the commission; authorizing the commissioner to issue a letter of guidance in response to a complaint against a teacher or administrator in lieu of a probable cause determination, etc.  ED     03/31/2015 Favorable AED    04/08/2015 Favorable FP	Favorable Yeas 6 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Subcommittee on Education

Wednesday, April 8, 2015, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 942</b> Gaetz (Identical H 993, Compare H 7125, CS/S 948)	Rapid Response Education and Training Program; Establishing the Rapid Response Education and Training Program within the Complete Florida Plus Program; requiring the Complete Florida Plus Program to work with Enterprise Florida, Inc., to offer certain education and training commitments to businesses, etc.  HE 03/23/2015 Favorable AED 04/08/2015 Favorable AP	Favorable Yeas 5 Nays 0
5	<b>CS/SB 948</b> Higher Education / Gaetz (Compare H 993, H 5011, H 7125, H 7127, S 942, CS/S 1252, S 1522, S 2502, S 2508, S 7046)	Education; Revising characteristics of an apprenticeable occupation; requiring a low-performing elementary school to administer the required additional hours of instruction in a summer program during specified fiscal years; establishing the Rapid Response Education and Training Program within the Complete Florida Plus Program; requiring a state research university to enter into and maintain a formal agreement with a specified organization to offer college-sponsored merit scholarship awards as a condition of designation as a preeminent state research university, etc.  HE 03/23/2015 Fav/CS AED 04/08/2015 Fav/CS AP	Fav/CS Yeas 5 Nays 0
6	<b>CS/SB 1252</b> Higher Education / Stargel (Compare H 7125, H 7127, CS/S 948, S 2508, S 7046)	Higher Education; Revising the mission of the Florida K-20 education system; revising the duties of the State Board of Education with respect to the supervision of the divisions of the Department of Education; redesignating the "Florida College System" as the "Florida Community College System"; revising requirements for program standards for career, adult, and community education programs; revising provisions regarding baccalaureate degree programs that may be offered by a Florida Community College System institution, etc.  HE 03/23/2015 Fav/CS AED 04/08/2015 Temporarily Postponed AP	Temporarily Postponed

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Subcommittee on Education

Wednesday, April 8, 2015, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>CS/SB 1260</b> Children, Families, and Elder Affairs / Bean (Similar H 699)	Florida Centers for Independent Living; Providing that certain volunteers for centers for independent living do not have to undergo background screening; requiring that a specified agreement be maintained; renaming the James Patrick Memorial Work Incentive Personal Attendant Services Program as the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program; requiring the association, in consultation with the advisory group, to adopt and revise certain policies and procedures, etc.  CF 04/02/2015 Fav/CS AED 04/08/2015 Fav/CS FP	Fav/CS Yeas 6 Nays 0
8	<b>CS/SB 1264</b> Education Pre-K - 12 / Legg (Compare S 7050)	Digital Classrooms; Establishing requirements for digital classrooms technology infrastructure planning by the Agency for State Technology or a contracted organization; requiring the Office of Technology and Information Services of the Department of Education to consult with the Agency for State Technology in developing the 5-year strategic plan for Florida digital classrooms; specifying conditions for a school district to maintain eligibility for Florida digital classrooms allocation funds, etc.  ED 03/11/2015 Temporarily Postponed ED 03/18/2015 Fav/CS AED 04/02/2015 Temporarily Postponed AED 04/08/2015 Fav/CS AP	Fav/CS Yeas 6 Nays 0
9	<b>SB 1522</b> Detert (Compare H 7125, H 7127, CS/S 948)	Workforce Training; Requiring the Department of Education, in collaboration with the Department of Economic Opportunity, to identify and recommend specified apprenticeship programs; requiring the Department of Education, in collaboration with the Department of Economic Opportunity, to identify and recommend specified preapprenticeship programs, etc.  HE 03/23/2015 Favorable AED 04/08/2015 Fav/CS AP	Fav/CS Yeas 6 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Subcommittee on Education  
Wednesday, April 8, 2015, 10:00 a.m.—12:00 noon

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	<b>SB 7050</b> Governmental Oversight and Accountability (Compare CS/CS/S 616, CS/S 1264)	Digital Classrooms; Requiring the Agency for State Technology to establish and publish information technology architecture standards for purposes of implementing digital classrooms by a specified date; requiring the agency's annual assessment of the Department of Education to review specified issues with respect to school district digital classrooms plans and to provide planning assistance to address and reduce issues identified by the assessment, etc.  AED 04/02/2015 Temporarily Postponed AED 04/08/2015 Not Considered AP	Not Considered

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Other Related Meeting Documents

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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**BILL:** PCS/CS/SB 1264 (368432)

**INTRODUCER:** Appropriations Subcommittee on Education; Education Pre-K - 12 Committee; and Senator Legg

**SUBJECT:** Digital Classrooms

**DATE:** April 10, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bailey</u>	<u>Klebcha</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/CS/SB 1264 provides a mechanism for comparing the status of digital readiness of school districts and public schools, which is independently verified, based on technology infrastructure standards identified by the Agency for State Technology (AST or agency) or a professional organization that the agency contracts with (contracted organization). The digital readiness of school districts must be assessed using a digital readiness scorecard and uniform definitions of technology infrastructure components established by the Department of Education (DOE) in consultation with the agency.

Specifically, the bill requires the AST, or a contracted organization, to consult with the DOE to identify technology infrastructure standards for the successful implementation of digital classrooms in Florida. The bill also specifies that AST must collaborate with the DOE and the Department of Management Services (DMS) to identify state term procurement options and shared services available to school districts.

The bill appropriates \$9,953,566 to the AST. This appropriation is for AST, or a contracted organization, to perform the digital classrooms implementation and compliance assessment, provide planning guidance to address identified gaps, and recommend cost efficiency improvements as required in the bill.

The bill takes effect July 1, 2015.

## II. Present Situation:

### Florida Digital Classrooms Allocation

In 2014, the Legislature elevated policy and funding for technology-enhanced classroom teaching and learning by creating the Florida digital classrooms allocation (allocation) to support efforts and strategies of school districts and public schools in integrating technology into classroom instruction to improve student performance outcomes.<sup>1</sup> In response to the 2014 legislation that created the allocation,<sup>2</sup> the Department of Education (DOE or department) adopted a Strategic Technology Plan establishing the general parameters for digital classrooms which are used by the by the district school boards to adopt their district digital classrooms plan.<sup>3</sup> For the 2014-2015 fiscal year, the Legislature appropriated \$40 million to school districts to support digital classrooms.<sup>4</sup> A minimum of \$250,000 was provided to each school district and the remaining balance was allocated based on each district's share of the state's total unweighted student enrollment.<sup>5</sup>

### State Digital Classrooms Plan

The Office of Technology and Information Services, within DOE, is responsible for developing a 5-year strategic plan (state plan) that must:<sup>6</sup>

- Describe how technology will be integrated into classroom teaching and learning to improve student performance outcomes and prepare students to be digital learners.
- Establish minimum technology requirements that include specifications for hardware, software, devices, networking, security, and bandwidth capacity and guidelines for the ratio of students per device.
- Establish minimum requirements for professional development opportunities and training to assist district instructional personnel staff with integrating technology into classroom teaching.
- Identify the types of digital tools and resources that can assist district instructional personnel and staff in management, assessment, and monitoring of student learning and performance.

DOE must update the state plan annually by January 1<sup>st</sup>.<sup>7</sup>

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<sup>1</sup> Section 1011.62(12)(a), F.S.

<sup>2</sup> Sections 5 and 27, ch. 2014-56, L.O.F.

<sup>3</sup> Florida Department of Education, *FDOE Digital Classrooms Plan*, <http://www.fldoe.org/about-us/division-of-technology-info-services/bureau-of-edu-tech.stml> (last visited March 6, 2015); see ss. 1001.20(4) and 1011.62(12)(b), F.S. The Department of Education (DOE) has provided to school districts, technical assistance memo and guidance document regarding digital classrooms. Florida Department of Education, *Digital Classrooms Plan (DCP) and Allocation*, <http://www.fldoe.org/about-us/division-of-technology-info-services/bureau-of-edu-tech.stml> (last visited March 9, 2015).

<sup>4</sup> Specific Appropriation 96, s. 2, ch. 2014-51, LO.F.

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

<sup>6</sup> Section 1001.20(4)(a)1., F.S.

<sup>7</sup> Section 1001.20(4)(a)1., F.S.

### ***Technology Integration Matrix***

To assist with integrating technology into curriculum, DOE has prepared a Technology Integration Matrix (TIM)<sup>8</sup> for teachers to use technology to enhance learning by:<sup>9</sup>

- Providing a framework for defining and evaluating technology integration;
- Setting a clear vision for effective teaching with technology;
- Giving teachers and administrators a common language for setting goals; and
- Helping target professional development resources effectively.

### ***District Digital Classrooms Plan***

The 2014 legislation required each district school board to adopt a district digital classrooms plan (DCP) that meets the unique needs of students, schools, and personnel and submit the district DCP to DOE for approval.<sup>10</sup> By permitting the customization of district digital classrooms plan to meet local needs, the legislation promoted local control of targeted and purposeful technology enhancements in Florida's classrooms. At a minimum, the district DCPs must be updated annually to include the following:<sup>11</sup>

- Measurable student performance outcomes, including the outcomes for students with disabilities.
- Digital learning and technology infrastructure purchases and operational activities including, but not limited to, connectivity, broadband access, wireless capacity, internet speed, and data security, all of which must meet or exceed the minimum requirements and protocols established by the department.
- Professional development purchases and operational activities including, but not limited to, using technology in the classroom and improving digital literacy and competency.
- Digital tool purchases and operational activities including, but not limited to, competency-based credentials that measure and demonstrate digital competency and certifications; third-party assessments that demonstrate acquired knowledge and use of digital applications; and devices that meet or exceed the minimum requirements and protocols established by the department.
- Online assessment-related purchases and operational activities including, but not limited to, expanding the capacity to administer assessments and compatibility with minimum assessment requirements and protocols established by the department.

Each district superintendent must certify to the Commissioner of Education (commissioner) that “the district school board has approved a comprehensive district digital classrooms plan that

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<sup>8</sup> Florida Department of Education, *Presentation to the Florida Senate Appropriations Subcommittee on Education* (March 4, 2015), available at [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/AED/MeetingRecords/MeetingPacket\\_2873.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/AED/MeetingRecords/MeetingPacket_2873.pdf), at 115 of 120.

<sup>9</sup> Florida Department of Education, *The Technology Integration Matrix*, <http://fcit.usf.edu/matrix/index.php> (last visited March 10, 2015). The five interdependent characteristics of meaningful learning environments are: active, constructive, goal directed (i.e., reflective), authentic, and collaborative. The five levels of technology integration (i.e., entry, adoption, adaptation, infusion, and transformation) with each of the five characteristics of meaningful learning environments. Together, the five levels of technology integration and the five characteristics of meaningful learning environments create a matrix of 25 cells to set a clear vision for effective teaching with technology. Florida Department of Education, *The Technology Integration Matrix* (March 9, 2015), available at <http://fcit.usf.edu/matrix/matrix.php>.

<sup>10</sup> Section 1011.62(12)(b), F.S.

<sup>11</sup> *Id.*

supports the fidelity of implementation of the Florida digital classrooms allocation.”<sup>12</sup> In addition, each district’s DCP must include a formal verification of the district superintendent’s approval of the DCP for each charter school in the district.<sup>13</sup> DOE must approve the DCPs before distributing the allocation funds to the school districts.<sup>14</sup>

For the 2014-2015 school year, the deadline for submitting district DCPs was October 1, 2014.<sup>15</sup> All 67 district school boards have submitted their district DCP and DOE has approved all district DCPs.<sup>16</sup> For the 2015-2016 school year and each year thereafter, the district school boards must submit their district DCPs annually by March 1.<sup>17</sup>

In addition to submitting DCPs, beginning in the 2015-2016 fiscal year, each district school board must report to the department its use of allocation funds and student performance outcomes.<sup>18</sup> The department may contract with an independent third-party entity to conduct an annual independent verification of the district’s use of allocation funds in accordance with the district’s DCP.<sup>19</sup> If an independent third-party verification is not conducted, the Auditor General must, during scheduled operational audits of school districts, verify compliance of the use of allocation funds in accordance with the district’s DCP.<sup>20</sup>

Annually, by October 1, beginning in the 2015-2016 fiscal year, the commissioner must provide to the Governor, President of the Senate, and Speaker of the House of Representatives, a summary of each district’s use of funds, student performance outcomes, and progress toward meeting statutory requirements and timelines.<sup>21</sup>

### **Local Capital Improvement Revenue for Computer Hardware and Enterprise Software**

School districts are authorized to use local improvement revenue to purchase, lease-purchase, or lease:

- New and replacement equipment;
- Computer hardware; and
- Enterprise resource software applications that are classified as capital assets, have a useful life of at least 5 years, and are used to support districtwide administration or state-mandated reporting requirements.

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

The bill provides a mechanism for assessing and comparing the status of digital readiness of school districts and public schools based on technology infrastructure standards identified by the

<sup>12</sup> Section 1011.62(12)(c), F.S.

<sup>13</sup> Section 1011.62(12)(b)5(c), F.S.

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

<sup>15</sup> Section 1011.62(12)(b), F.S.

<sup>16</sup> Florida Department of Education, *Approved Districts’ Digital Classroom Plans*, <http://www.fldoe.org/about-us/division-of-technology-info-services/dcp.shtml> (last visited March 6, 2015).

<sup>17</sup> Section 1011.62(12)(b), F.S.

<sup>18</sup> Section 1011.62(12)(e), F.S.

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

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

<sup>21</sup> *Id.*

Agency for State Technology (AST or agency) or a professional organization that the agency contracts with (contracted organization). The digital readiness of school districts must be assessed using a digital readiness scorecard and uniform definitions of technology infrastructure components established by the Department of Education (DOE or department) in consultation with the agency.

Specifically, the bill requires the AST, or a contracted organization, to consult with the department to identify technology infrastructure standards for the successful implementation of digital classrooms. These standards must include, but are not limited to, device recommendations, security and connectivity requirements, and browser expectations.

This provision will likely facilitate a collaboration between AST, the agency that establishes the standards for the most efficient use of state's information technology resources,<sup>22</sup> and DOE, the department that is familiar with public schools' instructional needs.

### ***Requirements for the Agency for State Technology***

The AST was established in 2014 by the Legislature to oversee the state's essential technology projects and is responsible for establishing standards and processes for information technology (IT).<sup>23</sup> The agency is responsible for establishing technology architecture standards to provide the most efficient use of the state's IT resources which must include, but not be limited to, performance measurements and metrics that objectively reflect the status of an IT project based on a defined and documented scope, cost, and schedule.<sup>24</sup>

In addition to identifying the technology infrastructure standards and targets, the bill requires AST, or a contracted organization, to:

- Perform an annual assessment of DOE's 5-year strategic plan for establishing Florida digital classrooms and the districts' and charter schools' digital classrooms plans for the 2015-2016 school year, and annually thereafter, to determine the status of technology infrastructure and digital readiness of school districts. The retrospective analyses will likely provide the state with an independent assessment of the districts' and schools' technology infrastructure and digital readiness status and needs. Currently, technology readiness data are self-reported by the school districts. In addition, the retrospective analyses will likely assist with identifying gaps in technology infrastructure relative to the identified standards and targets. The bill requires school districts to be assessed using a digital readiness scorecard to provide a mechanism for comparing the status of school districts' digital readiness.
- Provide prospective planning guidance and technical assistance to the department, school districts, and public schools regarding identified gaps in technology infrastructure and recommended improvements to meet the standards identified by AST or a contracted

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<sup>22</sup> Section 282.0051(2), F.S. The Agency for State Technology is responsible for developing and publishing "information technology policy for the management of the state's information technology resources." Section 282.0051(1), F.S.

<sup>23</sup> Section 10, ch. 2014-221, L.O.F.; Agency for State Technology, *About Us*, <http://www.ast.myflorida.com/about.asp> (lasted visited March 9, 2015) Information technology means "equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form." Section 282.0041, F.S.

<sup>24</sup> Section 282.0051(2)-(3), F.S.

organization. The guidance and technical assistance will likely help DOE, school districts, and public schools to make strategic and purposeful investments in technology infrastructure.

- Submit a report by May 1, 2016, for the 2015-2016 school year, and annually by December 1 thereafter, to the Governor, President of the Senate, and Speaker of the House of Representatives, summarizing the status of technology infrastructure and recommending strategies for improving cost efficiencies and maximizing the state's and school districts' investments in technology to establish digital classrooms. The annual report, which AST must provide to the Commissioner of Education (commissioner) by November 1 of each year, will likely help to inform the state about the school districts' and public schools' technology infrastructure status and progress toward meeting the technology infrastructure standards and targets that are identified by AST or a contracted organization in consultation with DOE. Additionally, the recommendations regarding cost efficiencies may help inform strategic budgetary investments in technology infrastructure.
- Collaborate with the DOE and the Department of Management Services (DMS) to identify:
  - State term contract procurement options available to school districts that provide information technology commodities, consultant services, or staff augmentation contractual services that support the information technology architecture standards applicable to digital classrooms.
  - Shared services available to school districts through the State Data Center to facilitate the implementation of school district digital classrooms plans.

### ***Requirements for the Department of Education***

The bill specifies requirements for the DOE regarding incorporating the identified technology infrastructure standards and targets in the department's 5-year strategic plan (state plan), establishing uniform definitions of technology infrastructure components, creating a digital readiness scorecard, and providing access to statewide procurement service agreements:

- The DOE must include the identified technology infrastructure standards and targets in the state plan for successful implementation of digital classrooms to improve student performance outcomes. In addition to the components that must be included in the state plan, which are specified in law,<sup>25</sup> the bill clarifies that the state plan must also identify minimum technology infrastructure requirements in consultation with AST. The minimum technology infrastructure requirements will likely help the school districts and public schools strategically plan for technology investments and allocate funds purposefully.
- The DOE must coordinate with AST to facilitate school districts' access to statewide procurement service agreements. Access to competitively procured service agreements may result in cost savings and efficiencies for the school districts.
- The DOE must consult with AST to establish uniform definitions of technology infrastructure components which must be incorporated into the state plan. The uniform definitions must also be used by charter schools that seek Florida digital classrooms allocation funds and by each district school board in the technology information submitted annually to DOE. Uniform definitions will allow for comparability of technology infrastructure components across school districts to assess the status of districts' digital readiness.

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<sup>25</sup> Section 1001.20(4)(a)1., F.S.

- The DOE must consult with AST to create a digital readiness scorecard to compare the digital readiness of school districts within the state. The scorecard must use the uniform definitions and identified technology infrastructure standards and targets identified by the department in consultation with AST. At a minimum, the scorecard must include the student-to-device ratio, the percentage of schools within each district that meet bandwidth standards, the percentage of classrooms within each district that must meet wireless standards, the refresh rate of devices, network capacity, information storage capacity, and information security services.
- The DOE must provide each school district with their information technology architecture standards compliance status by June 1, 2016, for the 2015-2016 school year, and annually by January 1 thereafter.
- The DOE, if it determines the administration of online assessments after January 1, 2015, does not comply with the minimum assessment protocols and requirements it established, must contract with an independent, auditing entity that has expertise in the area to evaluate the extent of the noncompliance and provide recommendations to remediate the noncompliance in future administrations of online assessments.

### ***Requirements for School Districts***

Beginning in the 2016-2017 school year, each school district must undergo an annual assessment and independent verification of its use of Florida digital classrooms allocation funds (digital classrooms funds) for the district to be eligible to receive digital classrooms funds. An independent assessment of the districts' use of digital classrooms funds will likely help inform the state about school districts' technology needs and investments to improve student performance outcomes. Access to such information will also likely assist the state with budgetary decisions concerning school districts' and public schools' preparedness to integrate technology into classroom teaching and learning and administer computer-based assessments.

### ***Requirements for Submitting Digital Classrooms Plans***

The bill also makes modifications to the format and deadline for submitting digital classrooms plans:

- The DOE must develop a streamlined format for charter schools to use for submitting their digital classrooms plan. This process may result in creating a precise accountability measurement tool matching the charter school's mission, program, goals, students served, methods of assessment and ways to measure success of charter schools.<sup>26</sup>
- The commissioner must implement an online, web-based portal for school districts and charter schools to submit their digital classrooms plan. The online submission system may result in a cost-effective method for the school districts to timely report their digital classrooms plan information to the department.
- District school boards must submit their digital classrooms plan annually to DOE by August 1, instead of the March 1 deadline which is the current statutory deadline. The August 1 deadline will likely assist the districts with budgetary planning by taking into consideration allocation funds appropriated for the next school year.

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<sup>26</sup> Florida Department of Education, *General Information* (March 9, 2015), available at <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml>.

Finally, the bill clarifies that the annual report the commissioner must provide to the Governor, President of the Senate, and Speaker of the House of Representatives, by October 1 of each year, include a summary of each district's:

- Student performance goals and outcomes; and
- Use of funds in support of such goals and outcomes.

The clarification emphasizes that improving student performance outcomes should be the goal that drives technology integration in classroom teaching and learning.

The bill appropriates \$9,993,566 for the AST to perform the digital classrooms implementation and compliance assessment, provide planning guidance to address identified gaps, and recommend cost efficiency improvements.

### **Local Capital Improvement Revenue for Computer Hardware and Enterprise Software**

School districts are currently authorized to purchase enterprise resource software with their local capital improvement revenue, however, it is unclear as to whether annual license fees, maintenance fees, or lease agreements for enterprise resource software are authorized uses of these funds. The bill specifically authorizes school districts to use their local capital improvement revenue for enterprise resource software annual license fees, maintenance fees, or lease agreements.

The bill takes effect July 1, 2015.

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

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

None.

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

None.

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

None.

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

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

None.

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

None.

**C. Government Sector Impact:**

PCS/CS/SB 1264 appropriates nearly \$10 million to the Agency for State Technology (AST). This appropriation is for AST, or a contracted organization, to perform the digital classrooms implementation and compliance assessment, provide planning guidance to address identified gaps, and recommend cost efficiency improvements as required in the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 282.0051, 282.00515, 1001.20, 1011.62, and 1011.71.

This bill creates section 282.0052 of the Florida Statutes.

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

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

**Recommended CS/CS by Appropriations Subcommittee on Education on April 8, 2015:**

The committee substitute:

- Perform annual assessment of state and school district digital classrooms plans.
- Requires the Agency for State Technology (AST) to:
  - Establish information technology architecture standards for purposes of implementing digital classrooms, including but not limited to, device recommendations, security requirements, connectivity requirements, and browser expectations.
  - Collaborate with the Department of Education (DOE) and Department of Management Services (DMS) to identify state term contract procurement and shared services options for school districts.
  - Include, in the annual assessment of DOE, the status of statewide implementation of digital classrooms and recommendations for improving cost efficiencies.
- Requires the DOE to contract with independent auditing entity to make recommendations to remediate technology infrastructure issues associated with the administration of 2014-15 online assessments.
- Authorizes school districts to use their local capital improvement revenue for enterprise resource software annual license fees, maintenance fees, or lease agreements.

- Appropriates nearly \$10 million for AST to conduct the duties outlines in the bill.

**CS by Education Pre-K – 12 on March 18, 2015:**

The committee substitute maintains the original substance of SB 1264 with the following modifications:

- Requires the Department of Education’s technology office to consult with the Agency for State Technology (AST) to:
  - Establish uniform definitions of technology infrastructure components. The uniform definitions must be incorporated into the state and local digital classrooms plans and technology resources inventory.
  - Create a digital readiness scorecard to compare school districts’ digital readiness and include specified information in the scorecard.
- Modifies a requirement in the bill that requires AST, or an independent organization that the agency contracts with, to perform retrospective analyses of the state and local digital classrooms plans by clarifying that the retrospective analyses must also include an assessment of the digital readiness of school districts using the digital readiness scorecard.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2015	.	
	.	
	.	
	.	

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Appropriations Subcommittee on Education (Legg) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (2), (7), and (10) of section  
282.0051, Florida Statutes, are amended to read:

282.0051 Agency for State Technology; powers, duties, and  
functions.—The Agency for State Technology shall have the  
following powers, duties, and functions:

(2) Establish and publish information technology



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11 architecture standards that:

12 (a) ~~to~~ Provide for the most efficient use of the state's  
13 information technology resources and that ~~to~~ ensure  
14 compatibility and alignment with the needs of state agencies.  
15 The agency shall assist state agencies in complying with the  
16 standards.

17 (b) Address for purposes of implementing digital classrooms  
18 under s. 1011.62(12) issues that include, but are not limited  
19 to, device recommendations, security requirements, connectivity  
20 requirements, and browser expectations. Such standards must be  
21 published by December 1, 2015.

22 (7) (a) Participate with the Department of Management  
23 Services in evaluating, conducting, and negotiating competitive  
24 solicitations for state term contracts for information  
25 technology commodities, consultant services, or staff  
26 augmentation contractual services pursuant to s. 287.0591.

27 (b) Collaborate with the Department of Management Services  
28 in information technology resource acquisition planning.

29 (c) Collaborate with the Department of Education and the  
30 Department of Management Services to identify:

31 1. State term contract procurement options that are  
32 available to school districts which provide information  
33 technology commodities, consultant services, or staff  
34 augmentation contractual services that support the information  
35 technology architecture standards applicable to digital  
36 classrooms.

37 2. Shared services available to school districts through  
38 the State Data Center to facilitate the implementation of school  
39 district digital classrooms plans.



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40           (10) (a) Beginning July 1, 2016, and annually thereafter,  
41 conduct annual assessments of state agencies to determine  
42 compliance with all information technology standards and  
43 guidelines developed and published by the agency, and beginning  
44 December 1, 2016, and annually thereafter, provide results of  
45 the assessments to the Executive Office of the Governor, the  
46 President of the Senate, and the Speaker of the House of  
47 Representatives.

48           (b) Include in the annual assessment of the Department of  
49 Education under paragraph (a), the status of statewide  
50 implementation of digital classrooms and each school district's  
51 status of compliance with the information technology  
52 architecture standards identified under paragraph (2) (b),  
53 planning guidance to address identified gaps, and  
54 recommendations for improving cost efficiencies pursuant to s.  
55 282.0052.

56           Section 2. Section 282.00515, Florida Statutes, is amended  
57 to read:

58           282.00515 Duties of Cabinet agencies.—The Department of  
59 Legal Affairs, the Department of Financial Services, and the  
60 Department of Agriculture and Consumer Services shall adopt the  
61 standards established in s. 282.0051(2) (a) ~~s. 282.0051(2)~~, (3),  
62 and (8) or adopt alternative standards based on best practices  
63 and industry standards, and may contract with the Agency for  
64 State Technology to provide or perform any of the services and  
65 functions described in s. 282.0051 for the Department of Legal  
66 Affairs, the Department of Financial Services, or the Department  
67 of Agriculture and Consumer Services.

68           Section 3. Section 282.0052, Florida Statutes, is created



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69 to read:

70 282.0052 Digital classrooms information technology  
71 architecture standards.—

72 (1) Beginning July 1, 2015, the Agency for State  
73 Technology, or an independent third-party professional  
74 organization that the agency contracts with, shall:

75 (a) Consult with the Department of Education to identify  
76 information technology architecture standards pursuant to s.  
77 282.0051 for the successful implementation of digital  
78 classrooms, pursuant to s. 1011.62(12), in public schools within  
79 the state beginning in the 2016-2017 school year. Such standards  
80 must include, but are not limited to, device recommendations,  
81 security requirements, connectivity requirements, and browser  
82 expectations.

83 (b) Perform an annual assessment of the state 5-year  
84 strategic plan developed pursuant to s. 1001.20 and school  
85 district digital classrooms plan adopted pursuant to s.  
86 1011.62(12) to determine the digital readiness of school  
87 districts and their compliance with the information technology  
88 architecture standards identified under paragraph (a). The  
89 digital readiness of school districts must be assessed using the  
90 digital readiness scorecard established under s. 1001.20(4)(a).

91 (c) Provide prospective planning guidance and technical  
92 assistance to the Department of Education, school districts, and  
93 public schools regarding identified gaps in technology  
94 infrastructure and recommended improvements to meet the  
95 information technology architecture standards identified under  
96 paragraph (a).

97 (d) Summarize and report, by May 1, 2016, for the 2015-2016



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98 school year, and by December 1 for each school year thereafter,  
99 to the Governor, the President of the Senate, and the Speaker of  
100 the House of Representatives:

101 1. The status of technology infrastructure of school  
102 districts and public schools within the state.

103 2. Recommendations for improving cost efficiencies and  
104 maximizing investments in technology by the state and school  
105 districts to establish digital classrooms.

106 (2) For the 2015-2016 school year, the Agency for State  
107 Technology must provide the status of technology infrastructure  
108 information regarding implementation of digital classrooms  
109 statewide and by each school district to the Commissioner of  
110 Education by April 1, 2016. For each school year thereafter, the  
111 status of technology infrastructure information must be provided  
112 to the commissioner by November 1 of each year.

113 (3) For the 2015-2016 school year, the Department of  
114 Education must provide to each school district the status of the  
115 statewide implementation of digital classrooms and the school  
116 district's status regarding compliance with the information  
117 technology architecture standards identified under paragraph  
118 (1)(a) by June 1, 2016. For each school year thereafter, the  
119 Department of Education must notify a school district regarding  
120 compliance with the information technology architecture  
121 standards by January 1 of each year. In addition, the Department  
122 of Education must provide planning guidance to address  
123 identified gaps and recommendations for improving cost  
124 efficiencies in accordance with subsection (1) to each school  
125 district. If the annual assessment indicates that a school  
126 district is not in compliance with the information technology



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127 architecture standards identified under paragraph (1)(a), the  
128 school district must, within 60 days from the date of receipt of  
129 such notification from the Department of Education become  
130 compliant; obtain an exemption to waive compliance from the  
131 Department of Education; or procure services through the agency  
132 or the Department of Management Services to achieve compliance.

133 Section 4. Paragraph (a) of subsection (4) of section  
134 1001.20, Florida Statutes, is amended to read:

135 1001.20 Department under direction of state board.—

136 (4) The Department of Education shall establish the  
137 following offices within the Office of the Commissioner of  
138 Education which shall coordinate their activities with all other  
139 divisions and offices:

140 (a) *Office of Technology and Information Services.*—

141 1. Responsible for developing a 5-year strategic plan, in  
142 consultation with the Agency for State Technology, to  
143 incorporate the minimum information technology architecture  
144 standards for the successful implementation of digital  
145 classrooms to improve student performance outcomes under s.  
146 1011.62(12) ~~for establishing Florida digital classrooms by~~  
147 October 1, 2014, and annually updating the plan by January 1  
148 each year thereafter. The Florida digital classrooms plan shall  
149 be provided to each school district and published on the  
150 department's website. The plan must:

151 a. Describe how technology will be integrated into  
152 classroom teaching and learning to assist the state in improving  
153 student performance outcomes and enable all students in Florida  
154 to be digital learners with access to digital tools and  
155 resources.



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156           b. Identify minimum information technology architecture  
157 standards requirements, which ~~that~~ include specifications for  
158 hardware, software, devices, networking, security, and bandwidth  
159 capacity and guidelines for the ratio of students per device.  
160 The Office of Technology and Information Services shall consult  
161 with the Agency for State Technology in identifying minimum  
162 information technology architecture standards.

163           c. Establish minimum requirements for professional  
164 development opportunities and training to assist district  
165 instructional personnel and staff with the integration of  
166 technology into classroom teaching.

167           d. Identify the types of digital tools and resources that  
168 can assist district instructional personnel and staff in the  
169 management, assessment, and monitoring of student learning and  
170 performance.

171           2. Responsible for making budget recommendations to the  
172 commissioner, providing data collection and management for the  
173 system, assisting school districts in securing Internet access  
174 and telecommunications services, including those eligible for  
175 funding under the Schools and Libraries Program of the federal  
176 Universal Service Fund, and coordinating services with other  
177 state, local, and private agencies.

178           3. Responsible for coordinating with the Agency for State  
179 Technology to facilitate school districts' access to state term  
180 contract procurement options and shared services pursuant to s.  
181 282.0051(7)(c).

182           4. Responsible for consulting with the Agency for State  
183 Technology to establish uniform definitions of information  
184 technology architecture components which must be incorporated



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185 into the department's 5-year strategic plan. The uniform  
186 definitions must be incorporated by each charter school that  
187 seeks Florida digital classrooms allocation funds and by each  
188 district school board in the technology information annually  
189 submitted to the department which includes, but is not limited  
190 to, digital classroom plans and technology resources inventory.

191 5. Responsible for consulting with the Agency for State  
192 Technology to create a digital readiness scorecard to compare  
193 the digital readiness of school districts within the state. The  
194 scorecard must use the uniform definitions identified under this  
195 section and information technology architecture standards  
196 identified under s. 282.0052(1)(a). At a minimum, the scorecard  
197 must include the student-to-device ratio, the percentage of  
198 schools within each district that meet bandwidth standards, the  
199 percentage of classrooms within each district that meet wireless  
200 standards, the refresh rate of devices, network capacity,  
201 information storage capacity, and information security services.

202 Section 5. Paragraphs (b) through (e) of subsection (12) of  
203 section 1011.62, Florida Statutes, are amended to read:

204 1011.62 Funds for operation of schools.—If the annual  
205 allocation from the Florida Education Finance Program to each  
206 district for operation of schools is not determined in the  
207 annual appropriations act or the substantive bill implementing  
208 the annual appropriations act, it shall be determined as  
209 follows:

210 (12) FLORIDA DIGITAL CLASSROOMS ALLOCATION.—

211 (b) Each district school board shall adopt a district  
212 digital classrooms plan that meets the unique needs of students,  
213 schools, and personnel and submit the plan for approval to the



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214 Department of Education. In addition, each district school board  
215 must, at a minimum, seek input from the district's  
216 instructional, curriculum, and information technology staff to  
217 develop the district digital classrooms plan. The district's  
218 plan must be within the general parameters established in the  
219 Florida digital classrooms plan pursuant to s. 1001.20. In  
220 addition, if the district participates in federal technology  
221 initiatives and grant programs, the district digital classrooms  
222 plan must include a plan for meeting requirements of such  
223 initiatives and grant programs. Funds allocated under this  
224 subsection must be used to support implementation of district  
225 digital classrooms plans. By August ~~October 1, 2014,~~ and by  
226 ~~March~~ 1 of each year thereafter, on a date determined by the  
227 department, each district school board shall submit to the  
228 department, in a format prescribed by the department, a digital  
229 classrooms plan. At a minimum, such plan must include, and be  
230 annually updated to reflect, the following:

231 1. Measurable student performance outcomes. Outcomes  
232 related to student performance, including outcomes for students  
233 with disabilities, must be tied to the efforts and strategies to  
234 improve outcomes related to student performance by integrating  
235 technology in classroom teaching and learning. Results of the  
236 outcomes shall be reported at least annually for the current  
237 school year and subsequent 3 years and be accompanied by an  
238 independent evaluation and validation of the reported results.

239 2. Digital learning and technology infrastructure purchases  
240 and operational activities. Such purchases and activities must  
241 be tied to the measurable outcomes under subparagraph 1.,  
242 including, but not limited to, connectivity, broadband access,



243 wireless capacity, Internet speed, and data security, all of  
244 which must meet or exceed minimum requirements and protocols  
245 established by the department. For each year that the district  
246 uses funds for infrastructure, a third-party, independent  
247 evaluation of the district's technology inventory and  
248 infrastructure needs must accompany the district's plan.

249 3. Professional development purchases and operational  
250 activities. Such purchases and activities must be tied to the  
251 measurable outcomes under subparagraph 1., including, but not  
252 limited to, using technology in the classroom and improving  
253 digital literacy and competency.

254 4. Digital tool purchases and operational activities. Such  
255 purchases and activities must be tied to the measurable outcomes  
256 under subparagraph 1., including, but not limited to,  
257 competency-based credentials that measure and demonstrate  
258 digital competency and certifications; third-party assessments  
259 that demonstrate acquired knowledge and use of digital  
260 applications; and devices that meet or exceed minimum  
261 requirements and protocols established by the department.

262 5. Online assessment-related purchases and operational  
263 activities. Such purchases and activities must be tied to the  
264 measurable outcomes under subparagraph 1., including, but not  
265 limited to, expanding the capacity to administer assessments and  
266 compatibility with minimum assessment protocols and requirements  
267 established by the department. If the administration of online  
268 assessments after January 1, 2015, does not comply with the  
269 minimum assessment protocols and requirements established by the  
270 department, the department shall contract with an independent  
271 auditing entity that has expertise in the area of the



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272 noncompliance to evaluate the extent of the noncompliance and  
273 provide recommendations to remediate the noncompliance in future  
274 administrations of online assessments.

275 (c) The Legislature shall annually provide in the General  
276 Appropriations Act the FEFP allocation for implementation of the  
277 Florida digital classrooms plan to be calculated in an amount up  
278 to 1 percent of the base student allocation multiplied by the  
279 total K-12 full-time equivalent student enrollment included in  
280 the FEFP calculations for the legislative appropriation or as  
281 provided in the General Appropriations Act. Each school district  
282 shall be provided a minimum of \$250,000, with the remaining  
283 balance of the allocation to be distributed based on each  
284 district's proportion of the total K-12 full-time equivalent  
285 student enrollment. Distribution of funds for the Florida  
286 digital classrooms allocation shall begin following submittal of  
287 each district's digital classrooms plan, which must include  
288 formal verification of the superintendent's approval of the  
289 digital classrooms plan of each charter school in the district,  
290 and approval of the plan by the department. A charter school  
291 shall submit the school's digital classrooms plan, in a  
292 streamlined format prescribed by the department, to the  
293 applicable school district. Prior to the distribution of the  
294 Florida digital classrooms allocation funds, each district  
295 school superintendent shall certify to the Commissioner of  
296 Education that the district school board has approved a  
297 comprehensive district digital classrooms plan that supports the  
298 fidelity of implementation of the Florida digital classrooms  
299 allocation. District allocations shall be recalculated during  
300 the fiscal year consistent with the periodic recalculation of



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301 the FEFP. School districts shall provide a proportionate share  
302 of the digital classrooms allocation to each charter school in  
303 the district, as required for categorical programs in s.  
304 1002.33(17)(b). A school district may use a competitive process  
305 to distribute funds for the Florida digital classrooms  
306 allocation to the schools within the school district. Beginning  
307 in the 2016-2017 school year, to be eligible to receive Florida  
308 digital classrooms allocation funds, a school district must  
309 undergo an annual assessment pursuant to s. 282.0052 and an  
310 annual independent verification of its use of Florida digital  
311 classrooms allocation funds pursuant to paragraph (e).

312 (d) To facilitate the implementation of the district  
313 digital classrooms plans and charter school digital classrooms  
314 plans, the commissioner shall support statewide, coordinated  
315 partnerships and efforts of this state's education practitioners  
316 in the field, including, but not limited to, superintendents,  
317 principals, and teachers, to identify and share best practices,  
318 corrective actions, and other identified needs. By August 1,  
319 2016, the commissioner shall implement an online, web-based  
320 portal for school districts and charter schools to submit their  
321 digital classrooms plan.

322 (e) Beginning in the 2015-2016 fiscal year and each year  
323 thereafter, each district school board and charter school shall  
324 report to the department its use of funds provided through the  
325 Florida digital classrooms allocation and student performance  
326 outcomes in accordance with the district's digital classrooms  
327 plan. The department may contract with an independent third-  
328 party entity to conduct an annual independent verification of  
329 the district's use of Florida digital classrooms allocation



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330 funds in accordance with the district's digital classrooms plan.  
331 In the event an independent third-party verification is not  
332 conducted, the Auditor General shall, during scheduled  
333 operational audits of the school districts, verify compliance of  
334 the use of Florida digital classrooms allocation funds in  
335 accordance with the district's digital classrooms plan. No later  
336 than October 1 of each year, beginning in the 2015-2016 fiscal  
337 year, the commissioner shall provide to the Governor, the  
338 President of the Senate, and the Speaker of the House of  
339 Representatives a summary of each district's student performance  
340 goals and outcomes, use of funds, in support of such student  
341 performance goals and outcomes, and progress toward meeting  
342 statutory requirements and timelines.

343 Section 6. Paragraph (d) of subsection (2) of section  
344 1011.71, Florida Statutes, is amended to read:

345 1011.71 District school tax.—

346 (2) In addition to the maximum millage levy as provided in  
347 subsection (1), each school board may levy not more than 1.5  
348 mills against the taxable value for school purposes for district  
349 schools, including charter schools at the discretion of the  
350 school board, to fund:

351 (d) The purchase, lease-purchase, or lease of new and  
352 replacement equipment; computer hardware, including electronic  
353 hardware and other hardware devices necessary for gaining access  
354 to or enhancing the use of electronic content and resources or  
355 to facilitate the access to and the use of a school district's  
356 digital classrooms plan pursuant to s. 1011.62, excluding  
357 software other than the operating system necessary to operate  
358 the hardware or device; and enterprise resource software



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359 applications that are classified as capital assets in accordance  
360 with definitions of the Governmental Accounting Standards Board,  
361 have a useful life of at least 5 years, and are used to support  
362 districtwide administration or state-mandated reporting  
363 requirements. Enterprise resource software may be acquired by  
364 annual license fees, maintenance fees, or lease agreements.

365 Section 7. For the 2015-2016 fiscal year, the sum of  
366 \$9,993,566 from the General Revenue Fund is appropriated in the  
367 "Special Categories - Contracted Services" appropriation  
368 category to the Agency for State Technology to conduct the  
369 agency's duties under s. 282.0051(10)(b) and (c), Florida  
370 Statutes.

371 Section 8. This act shall take effect July 1, 2015.

372  
373 ===== T I T L E A M E N D M E N T =====

374 And the title is amended as follows:

375 Delete everything before the enacting clause  
376 and insert:

377 A bill to be entitled  
378 An act relating to digital classrooms; amending s.  
379 282.0051, F.S.; requiring the Agency for State  
380 Technology to establish and publish information  
381 technology architecture standards for purposes of  
382 implementing digital classrooms by a specified date;  
383 requiring the agency to collaborate with the  
384 Department of Education and the Department of  
385 Management Services to identify certain state contract  
386 procurement options for services that support such  
387 standards and to identify certain shared services



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388 available through the State Data Center to facilitate  
389 the implementation of school district digital  
390 classrooms plans; requiring the agency's annual  
391 assessment of the Department of Education to review  
392 specified issues with respect to school district  
393 digital classrooms plans and to provide planning  
394 assistance to address and reduce issues identified by  
395 the assessment; amending s. 282.00515, F.S.;  
396 conforming a cross-reference to changes made by the  
397 act; creating s. 282.0052, F.S.; establishing  
398 requirements for the agency or a contracted  
399 organization with respect to the establishment and  
400 assessment of digital classrooms information  
401 technology architecture standards; requiring the  
402 agency or contracted organization to annually submit a  
403 report to the Governor and the Legislature;  
404 prescribing report requirements; requiring the agency  
405 to annually update the Commissioner of Education on  
406 the status of technology infrastructure; requiring the  
407 Department of Education to annually update school  
408 districts regarding compliance with information  
409 technology architecture standards and provide planning  
410 guidance; requiring a school district to take certain  
411 action in the event of noncompliance with information  
412 technology architecture standards; amending s.  
413 1001.20, F.S.; requiring the Office of Technology and  
414 Information Services of the Department of Education to  
415 consult with the Agency for State Technology in  
416 developing the 5-year strategic plan for Florida



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417 digital classrooms; removing an obsolete date;  
418 revising requirements for the 5-year strategic plan;  
419 expanding the list of responsibilities of the Office  
420 of Technology and Information Services; amending s.  
421 1011.62, F.S.; revising the date by which district  
422 school boards must annually submit a digital  
423 classrooms plan to the Department of Education;  
424 requiring the department to contract with an  
425 independent auditing entity in the event of  
426 noncompliance with minimum protocols and requirements  
427 in the administration of online assessments; requiring  
428 a charter school to submit the school's digital  
429 classrooms plan to the applicable school district;  
430 specifying required format for the plan; specifying  
431 conditions for a school district to maintain  
432 eligibility for Florida digital classrooms allocation  
433 funds; requiring the Commissioner of Education to  
434 implement an online portal for electronic submission  
435 of digital classrooms plans by a specified date;  
436 requiring a charter school to annually report to the  
437 department regarding the use of specified funds;  
438 revising requirements for the commissioner's annual  
439 report to the Governor and the Legislature regarding  
440 the digital classrooms plan; amending s. 1011.71,  
441 F.S.; authorizing enterprise resource software to be  
442 acquired by certain fees and agreements; providing an  
443 appropriation; providing an effective date.

By the Committee on Education Pre-K - 12; and Senator Legg

581-02517-15

20151264c1

1 A bill to be entitled  
 2 An act relating to digital classrooms; creating s.  
 3 282.0052, F.S.; establishing requirements for digital  
 4 classrooms technology infrastructure planning by the  
 5 Agency for State Technology or a contracted  
 6 organization; requiring the agency or contracted  
 7 organization to annually submit a report to the  
 8 Governor and the Legislature; prescribing report  
 9 requirements; requiring the agency to annually update  
 10 the Commissioner of Education on the status of  
 11 technology infrastructure; amending s. 1001.20, F.S.;  
 12 requiring the Office of Technology and Information  
 13 Services of the Department of Education to consult  
 14 with the Agency for State Technology in developing the  
 15 5-year strategic plan for Florida digital classrooms;  
 16 removing an obsolete date; revising requirements for  
 17 the 5-year strategic plan; expanding the list of  
 18 responsibilities of the Office of Technology and  
 19 Information Services; amending s. 1011.62, F.S.;  
 20 revising the date by which district school boards must  
 21 annually submit a digital classrooms plan to the  
 22 Department of Education; requiring a charter school to  
 23 submit the school's digital classrooms plan to the  
 24 applicable school district; specifying required format  
 25 for the plan; specifying conditions for a school  
 26 district to maintain eligibility for Florida digital  
 27 classrooms allocation funds; requiring the  
 28 Commissioner of Education to implement an online  
 29 portal for electronic submission of digital classrooms

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

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30 plans by a specified date; requiring a charter school  
 31 to annually report to the department regarding the use  
 32 of specified funds; revising requirements for the  
 33 commissioner's annual report to the Governor and the  
 34 Legislature regarding the digital classrooms plan;  
 35 providing an effective date.  
 36

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

38  
 39 Section 1. Section 282.0052, Florida Statutes, is created  
 40 to read:

41 282.0052 Digital classrooms technology infrastructure  
 42 planning.-

43 (1) The Agency for State Technology, or an independent  
 44 third-party professional organization that the agency contracts  
 45 with, shall:

46 (a) Consult with the Department of Education to identify  
 47 technology infrastructure standards and targets for the  
 48 successful implementation of digital classrooms, pursuant to s.  
 49 1011.62(12), in public schools within the state beginning in the  
 50 2016-2017 school year.

51 (b) Perform retrospective analyses of the state 5-year  
 52 strategic plan developed pursuant to s. 1001.20 and school  
 53 district digital classrooms plan adopted pursuant to s.  
 54 1011.62(12) for the 2014-2015 and 2015-2016 school years to  
 55 determine the status of technology infrastructure and digital  
 56 readiness of school districts relative to the standards and  
 57 targets identified under paragraph (a). The digital readiness of  
 58 school districts must be assessed using the digital readiness

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

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59 scorecard established under s. 1001.20(4) (a).

60 (c) Provide prospective planning guidance and technical  
 61 assistance to the Department of Education, school districts, and  
 62 public schools regarding identified gaps in technology  
 63 infrastructure and recommended improvements to meet the  
 64 standards and targets identified under paragraph (a).

65 (d) Summarize and report, by October 1 of each year, to the  
 66 Governor, the President of the Senate, and the Speaker of the  
 67 House of Representatives:

68 1. The status of technology infrastructure of school  
 69 districts and public schools within the state.

70 2. Recommendations for improving cost efficiencies and  
 71 maximizing investments in technology by the state and school  
 72 districts to establish digital classrooms.

73 (2) The Agency for State Technology must provide the status  
 74 of technology infrastructure information to the Commissioner of  
 75 Education by September 1 of each year.

76 Section 2. Paragraph (a) of subsection (4) of section  
 77 1001.20, Florida Statutes, is amended to read:

78 1001.20 Department under direction of state board.—

79 (4) The Department of Education shall establish the  
 80 following offices within the Office of the Commissioner of  
 81 Education which shall coordinate their activities with all other  
 82 divisions and offices:

83 (a) *Office of Technology and Information Services.*—

84 1. Responsible for developing a 5-year strategic plan, in  
 85 consultation with the Agency for State Technology, to establish  
 86 technology infrastructure standards and targets for the  
 87 successful implementation of digital classrooms to improve

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88 student performance outcomes under s. 1011.62(12) ~~for~~  
 89 establishing Florida digital classrooms by October 1, 2014, and  
 90 annually updating the plan by January 1 each year thereafter.  
 91 The Florida digital classrooms plan shall be provided to each  
 92 school district and published on the department's website. The  
 93 plan must:

94 a. Describe how technology will be integrated into  
 95 classroom teaching and learning to assist the state in improving  
 96 student performance outcomes and enable all students in Florida  
 97 to be digital learners with access to digital tools and  
 98 resources.

99 b. Identify minimum technology infrastructure requirements,  
 100 which ~~that~~ include specifications for hardware, software,  
 101 devices, networking, security, and bandwidth capacity and  
 102 guidelines for the ratio of students per device. The Office of  
 103 Technology and Information Services shall consult with the  
 104 Agency for State Technology in identifying minimum technology  
 105 infrastructure requirements.

106 c. Establish minimum requirements for professional  
 107 development opportunities and training to assist district  
 108 instructional personnel and staff with the integration of  
 109 technology into classroom teaching.

110 d. Identify the types of digital tools and resources that  
 111 can assist district instructional personnel and staff in the  
 112 management, assessment, and monitoring of student learning and  
 113 performance.

114 2. Responsible for making budget recommendations to the  
 115 commissioner, providing data collection and management for the  
 116 system, assisting school districts in securing Internet access

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117 and telecommunications services, including those eligible for  
118 funding under the Schools and Libraries Program of the federal  
119 Universal Service Fund, and coordinating services with other  
120 state, local, and private agencies.

121 3. Responsible for coordinating with the Agency for State  
122 Technology to facilitate school districts' access to statewide  
123 procurement service agreements.

124 4. Responsible for consulting with the Agency for State  
125 Technology to establish uniform definitions of technology  
126 infrastructure components which must be incorporated into the  
127 department's 5-year strategic plan. The uniform definitions must  
128 be incorporated by each charter school that seeks Florida  
129 digital classrooms allocation funds and by each district school  
130 board in technology information annually submitted to the  
131 department which includes, but is not limited to, digital  
132 classroom plans and technology resources inventory.

133 5. Responsible for consulting with the Agency for State  
134 Technology to create a digital readiness scorecard to compare  
135 the digital readiness of school districts within the state. The  
136 scorecard must use the uniform definitions identified under this  
137 section and technology infrastructure standards and targets  
138 identified under s. 282.0052(1)(a). At a minimum, the scorecard  
139 must include the student-to-device ratio, the percentage of  
140 schools within each district that meet bandwidth standards, the  
141 percentage of classrooms within each district that meet wireless  
142 standards, the refresh rate of devices, network capacity,  
143 information storage capacity, and information security services.

144 Section 3. Paragraphs (b) through (e) of subsection (12) of  
145 section 1011.62, Florida Statutes, are amended to read:

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146 1011.62 Funds for operation of schools.—If the annual  
147 allocation from the Florida Education Finance Program to each  
148 district for operation of schools is not determined in the  
149 annual appropriations act or the substantive bill implementing  
150 the annual appropriations act, it shall be determined as  
151 follows:

152 (12) FLORIDA DIGITAL CLASSROOMS ALLOCATION.—

153 (b) Each district school board shall adopt a district  
154 digital classrooms plan that meets the unique needs of students,  
155 schools, and personnel and submit the plan for approval to the  
156 Department of Education. In addition, each district school board  
157 must, at a minimum, seek input from the district's  
158 instructional, curriculum, and information technology staff to  
159 develop the district digital classrooms plan. The district's  
160 plan must be within the general parameters established in the  
161 Florida digital classrooms plan pursuant to s. 1001.20. In  
162 addition, if the district participates in federal technology  
163 initiatives and grant programs, the district digital classrooms  
164 plan must include a plan for meeting requirements of such  
165 initiatives and grant programs. Funds allocated under this  
166 subsection must be used to support implementation of district  
167 digital classrooms plans. By September ~~October 1, 2014,~~ and by  
168 ~~March 1~~ of each year thereafter, on a date determined by the  
169 department, each district school board shall submit to the  
170 department, in a format prescribed by the department, a digital  
171 classrooms plan. At a minimum, such plan must include, and be  
172 annually updated to reflect, the following:

173 1. Measurable student performance outcomes. Outcomes  
174 related to student performance, including outcomes for students

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175 with disabilities, must be tied to the efforts and strategies to  
 176 improve outcomes related to student performance by integrating  
 177 technology in classroom teaching and learning. Results of the  
 178 outcomes shall be reported at least annually for the current  
 179 school year and subsequent 3 years and be accompanied by an  
 180 independent evaluation and validation of the reported results.

181 2. Digital learning and technology infrastructure purchases  
 182 and operational activities. Such purchases and activities must  
 183 be tied to the measurable outcomes under subparagraph 1.,  
 184 including, but not limited to, connectivity, broadband access,  
 185 wireless capacity, Internet speed, and data security, all of  
 186 which must meet or exceed minimum requirements and protocols  
 187 established by the department. For each year that the district  
 188 uses funds for infrastructure, a third-party, independent  
 189 evaluation of the district's technology inventory and  
 190 infrastructure needs must accompany the district's plan.

191 3. Professional development purchases and operational  
 192 activities. Such purchases and activities must be tied to the  
 193 measurable outcomes under subparagraph 1., including, but not  
 194 limited to, using technology in the classroom and improving  
 195 digital literacy and competency.

196 4. Digital tool purchases and operational activities. Such  
 197 purchases and activities must be tied to the measurable outcomes  
 198 under subparagraph 1., including, but not limited to,  
 199 competency-based credentials that measure and demonstrate  
 200 digital competency and certifications; third-party assessments  
 201 that demonstrate acquired knowledge and use of digital  
 202 applications; and devices that meet or exceed minimum  
 203 requirements and protocols established by the department.

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204 5. Online assessment-related purchases and operational  
 205 activities. Such purchases and activities must be tied to the  
 206 measurable outcomes under subparagraph 1., including, but not  
 207 limited to, expanding the capacity to administer assessments and  
 208 compatibility with minimum assessment protocols and requirements  
 209 established by the department.

210 (c) The Legislature shall annually provide in the General  
 211 Appropriations Act the FEFP allocation for implementation of the  
 212 Florida digital classrooms plan to be calculated in an amount up  
 213 to 1 percent of the base student allocation multiplied by the  
 214 total K-12 full-time equivalent student enrollment included in  
 215 the FEFP calculations for the legislative appropriation or as  
 216 provided in the General Appropriations Act. Each school district  
 217 shall be provided a minimum of \$250,000, with the remaining  
 218 balance of the allocation to be distributed based on each  
 219 district's proportion of the total K-12 full-time equivalent  
 220 student enrollment. Distribution of funds for the Florida  
 221 digital classrooms allocation shall begin following submittal of  
 222 each district's digital classrooms plan, which must include  
 223 formal verification of the superintendent's approval of the  
 224 digital classrooms plan of each charter school in the district,  
 225 and approval of the plan by the department. A charter school  
 226 shall submit the school's digital classrooms plan, in a  
 227 streamlined format prescribed by the department, to the  
 228 applicable school district. Prior to the distribution of the  
 229 Florida digital classrooms allocation funds, each district  
 230 school superintendent shall certify to the Commissioner of  
 231 Education that the district school board has approved a  
 232 comprehensive district digital classrooms plan that supports the

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233 fidelity of implementation of the Florida digital classrooms  
 234 allocation. District allocations shall be recalculated during  
 235 the fiscal year consistent with the periodic recalculation of  
 236 the FEFP. School districts shall provide a proportionate share  
 237 of the digital classrooms allocation to each charter school in  
 238 the district, as required for categorical programs in s.  
 239 1002.33(17)(b). A school district may use a competitive process  
 240 to distribute funds for the Florida digital classrooms  
 241 allocation to the schools within the school district. Beginning  
 242 in the 2016-2017 school year, to be eligible to receive Florida  
 243 digital classrooms allocation funds, a school district must  
 244 undergo retrospective and prospective analyses pursuant to s.  
 245 282.0052 and an annual independent verification of its use of  
 246 Florida digital classrooms allocation funds pursuant to  
 247 paragraph (e).

248 (d) To facilitate the implementation of the district  
 249 digital classrooms plans and charter school digital classrooms  
 250 plans, the commissioner shall support statewide, coordinated  
 251 partnerships and efforts of this state's education practitioners  
 252 in the field, including, but not limited to, superintendents,  
 253 principals, and teachers, to identify and share best practices,  
 254 corrective actions, and other identified needs. By August 1,  
 255 2016, the commissioner shall implement an online, web-based  
 256 portal for school districts and charter schools to submit their  
 257 digital classrooms plan.

258 (e) Beginning in the 2015-2016 fiscal year and each year  
 259 thereafter, each district school board and charter school shall  
 260 report to the department its use of funds provided through the  
 261 Florida digital classrooms allocation and student performance

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262 outcomes in accordance with the district's digital classrooms  
 263 plan. The department may contract with an independent third-  
 264 party entity to conduct an annual independent verification of  
 265 the district's use of Florida digital classrooms allocation  
 266 funds in accordance with the district's digital classrooms plan.  
 267 In the event an independent third-party verification is not  
 268 conducted, the Auditor General shall, during scheduled  
 269 operational audits of the school districts, verify compliance of  
 270 the use of Florida digital classrooms allocation funds in  
 271 accordance with the district's digital classrooms plan. No later  
 272 than October 1 of each year, beginning in the 2015-2016 fiscal  
 273 year, the commissioner shall provide to the Governor, the  
 274 President of the Senate, and the Speaker of the House of  
 275 Representatives a summary of each district's student performance  
 276 goals and outcomes, use of funds, in support of such ~~student~~  
 277 performance goals and outcomes, and progress toward meeting  
 278 statutory requirements and timelines.

279 Section 4. This act shall take effect July 1, 2015.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/8/15  
Meeting Date

1264  
Bill Number (if applicable)

Topic Digital Classrooms

Amendment Barcode (if applicable)

Name Jim Horne

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

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

Phone 904-759-4596

City

State

Zip

Email JHorne@strategosgroup.com

Speaking:  For  Against  Information

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

Representing AIF

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

4/8/15

Meeting Date

1264

Bill Number (if applicable)

Topic SB 1264

Amendment Barcode (if applicable)

Name Sara Clements

Job Title Legislative Director

Address 215 S. Monroe St.

Street

Phone 850-391-0329

TLH

City

FL

State

32301

Zip

Email Sara@afloridapromise.org

Speaking:  For  Against  Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: SB 7050

INTRODUCER: Governmental Oversight and Accountability Committee

SUBJECT: Digital Classrooms

DATE: April 1, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Peacock</u>	<u>McVaney</u>		<b>GO SPB 7050 as introduced</b>
1.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<b>Pre-meeting</b>
2.	_____	_____	<u>AP</u>	_____

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**I. Summary:**

SB 7050 requires the Agency for State Technology (AST) to establish and publish information technology architecture standards for purposes of implementing digital classrooms plans by July 1, 2016. The bill requires AST to collaborate with the Department of Education (DOE or department) and the Department of Management Services (DMS) to identify certain state contract procurement options for services that support such standards and to identify certain shared services available through the State Data Center to facilitate the implementation of school district digital classrooms plans.

The bill also requires AST's annual assessment of DOE to include a review of specified issues with respect to school district digital classrooms plans and to provide planning assistance to address and reduce issues identified by the assessment. AST must provide the assessment to DOE by December 1, 2016, and annually thereafter. The bill authorizes AST to contract for assistance with the annual assessment if needed.

The bill requires that, if the DOE determines the administration of online assessments after January 1, 2015, does not comply with the minimum assessment protocols and requirements established by the department, the department will contract with an independent, auditing entity that has expertise in the area to evaluate the extent of the noncompliance and provide recommendations to remediate the noncompliance in future administrations of online assessments.

The bill appropriates \$9,993,566 from the General Revenue Fund to AST to conduct its duties required under this legislation. According to information provided by AST, the requirements specified in the bill will cost an estimated \$11.5 million. This cost is derived primarily from the staff augmentation that AST, or the contracted organization, will require to fulfill the technology assessment and audit responsibilities outlined in the bill.

The bill takes effect July 1, 2015.

## II. Present Situation:

### Agency for State Technology

The AST was created by HB 7073 with an effective date of July 1, 2014.<sup>1</sup> The executive director of AST is appointed by the Governor and confirmed by the Senate. The duties and responsibilities of AST include:<sup>2</sup>

- Developing and publishing information technology (IT) policy for management of the state's IT resources.
- Establishing and publishing IT architecture standards.
- Establishing project management and oversight standards with which state agencies must comply when implementing IT projects.
- Performing project oversight on all state IT projects with total costs of \$10 million or more.
- Identifying opportunities for standardization and consolidation of IT services that support common business functions and operations.
- Establishing best practices for procurement of IT products in collaboration with DMS.
- Participating with DMS in evaluating, conducting and negotiating competitive solicitations for state term contracts for IT commodities, consultant services, or staff augmentation contractual services.
- Collaborating with DMS in IT resource acquisition planning.
- Developing standards for IT reports and updates.
- Upon request, assisting state agencies in development of IT related legislative budget requests.
- Conducting annual assessments of state agencies to determine compliance with IT standards and guidelines developed by AST.
- Providing operational management and oversight of the state data center.
- Recommending other IT services that should be designed, delivered, and managed as enterprise IT services.
- Recommending additional consolidations of agency data centers or computing facilities into the state data center.
- In consultation with state agencies, proposing methodology for identifying and collecting current and planned IT expenditure data at the state agency level.
- Performing project oversight on any cabinet agency IT project that has a total project cost of \$25 million or more and impacts one or more other agencies.
- Consulting with departments regarding risks and other effects for IT projects implemented by an agency that must be connected to or accommodated by an IT system administered by a cabinet agency.
- Reporting annually to the Governor, the President of the Senate and the Speaker of the House regarding state IT standards or policies that conflict with federal regulations or requirements.

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<sup>1</sup> Chapter 2014-221, Laws of Florida.

<sup>2</sup> Section 282.0051, F.S.

## Florida Digital Classrooms Allocation

In 2014, the Legislature elevated policy and funding for technology-enhanced classroom teaching and learning by creating the Florida digital classrooms allocation to support efforts and strategies of school districts and public schools in integrating technology into classroom instruction to improve student performance outcomes.<sup>3</sup> The DOE has adopted a Strategic Technology Plan that establishes the general parameters for digital classrooms which are used by the district school boards to adopt their district digital classrooms plan.<sup>4</sup>

For the 2014-2015 fiscal year, the Legislature appropriated \$40 million to school districts to support digital classrooms.<sup>5</sup> A minimum of \$250,000 was provided to each school district and the remaining balance was allocated based on each district's share of the state's total unweighted student enrollment.<sup>6</sup>

## State Digital Classrooms Plan

The Office of Technology and Information Services, within DOE, is responsible for developing a 5-year strategic plan (state plan) that must:<sup>7</sup>

- Describe how technology will be integrated into classroom teaching and learning to improve student performance outcomes and prepare students to be digital learners.
- Establish minimum technology requirements that include specifications for hardware, software, devices, networking, security, and bandwidth capacity and guidelines for the ratio of students per device.
- Establish minimum requirements for professional development opportunities and training to assist district instructional personnel staff with integrating technology into classroom teaching.
- Identify the types of digital tools and resources that can assist district instructional personnel and staff in management, assessment, and monitoring of student learning and performance.

DOE must update the state plan annually by January 1<sup>st</sup>.<sup>8</sup>

## III. Effect of Proposed Changes:

**Section 1** amends s. 282.0051, F.S., to require the Agency for State Technology (AST) to establish and publish information technology architecture standards, by July 1, 2016, that address issues relating to the implementation of the digital classrooms plans including, but not limited to, the following:

- Device recommendations.

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<sup>3</sup> Section 1011.62(12)(a), F.S.

<sup>4</sup> *DOE Digital Classrooms Plan*, <http://www.fldoe.org/about-us/division-of-technology-info-services/bureau-of-edu-tech.html> (last visited March 6, 2015); Also, see ss. 1001.20(4) and 1011.62(12)(b), F.S. DOE has provided a technical assistance memo and guidance document regarding digital classrooms to school districts. See, *DOE Digital Classrooms Plan (DCP) and Allocation*, <http://www.fldoe.org/about-us/division-of-technology-info-services/bureau-of-edu-tech.html> (last visited March 9, 2015).

<sup>5</sup> Specific Appropriation 96, s. 2, ch. 2014-51, LO.F.

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

<sup>7</sup> Section 1001.20(4)(a)1., F.S.

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

- Security requirements.
- Connectivity requirements.
- Browser expectations.

The bill also requires AST to collaborate with the DOE and the DMS to identify:

- State term contract procurement options available to school districts that provide information technology commodities, consultant services, or staff augmentation contractual services that support the information technology architecture standards applicable to digital classrooms.
- Shared services available to school districts through the State Data Center to facilitate the implementation of school district digital classrooms plans.

Additionally, the bill requires AST to include the following in its annual assessment of DOE:

- A review each school district's digital classrooms plan submitted to DOE under s. 1011.62(12), F.S., to determine the school district's compliance with the information technology architecture standards adopted and to ensure accuracy of the school district's information technology resources inventory as submitted to DOE's Technology Resources Inventory System.
- Planning assistance to DOE, school districts, and public schools to address and reduce any issues identified by the annual assessments.

The bill authorizes AST to contract with one or more independent, third-party professional organizations if assistance with the annual assessment is needed. AST is required to provide the assessment to DOE by December 1, 2016, and annually thereafter.

The bill also provides that within 60 days after notification by DOE that a school district is not in compliance with the information technology architecture standards, the school district must either become compliant, obtain an exemption from compliance from DOE or procure services through AST or DMS to achieve compliance.

**Section 2** amends s. 1011.62(12)(b), F.S., to require that, if the DOE determines the administration of online assessments after January 1, 2015, does not comply with the minimum assessment protocols and requirements established by the department, the department will contract with an independent, auditing entity that has expertise in the area to evaluate the extent of the noncompliance and provide recommendations to remediate the noncompliance in future administrations of online assessments.

**Section 3** amends s. 282.00515, F.S., to make conforming changes regarding duties of cabinet agencies to adopt standards established in s. 282.0051(2)(a), (3), and (8), F.S., as required by this bill.

**Section 4** appropriates \$9,993,566 from the General Revenue Fund to AST to conduct the agency's duties under s. 282.0051(10)(b) and (c), F.S.

**Section 5** provides an effective date of July 1, 2015.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

SB 7050 appropriates \$9,993,566 from the General Revenue Fund to the Agency for State Technology (AST) to conduct its duties required by this legislation. According to information provided by AST, the requirements specified in the bill will cost an estimated \$11.5 million. This cost is derived primarily from the staff augmentation that AST, or the contracted organization, will require to fulfill the technology assessment and audit responsibilities outlined in the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 282.0051, 282.00515 and 1011.62 of the Florida Statutes.

**IX. Additional Information:**

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

None.

- B. **Amendments:**

None.

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

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By the Committee on Governmental Oversight and Accountability

585-02415-15

20157050\_\_

1 A bill to be entitled  
 2 An act relating to digital classrooms; amending s.  
 3 282.0051, F.S.; requiring the Agency for State  
 4 Technology to establish and publish information  
 5 technology architecture standards for purposes of  
 6 implementing digital classrooms by a specified date;  
 7 requiring the agency to collaborate with the  
 8 Department of Education and the Department of  
 9 Management Services to identify certain state contract  
 10 procurement options for services that support such  
 11 standards and to identify certain shared services  
 12 available through the State Data Center to facilitate  
 13 the implementation of school district digital  
 14 classrooms plans; requiring the agency's annual  
 15 assessment of the Department of Education to review  
 16 specified issues with respect to school district  
 17 digital classrooms plans and to provide planning  
 18 assistance to address and reduce issues identified by  
 19 the assessment; authorizing the agency to contract for  
 20 assistance with the annual assessment if needed;  
 21 requiring the agency to provide the annual assessment  
 22 to the Commissioner of Education by a specified date;  
 23 requiring a school district to take specified action  
 24 within a certain period if the district is notified by  
 25 the Department of Education that it is not in  
 26 compliance with the information technology  
 27 architecture standards; amending s. 1011.62, F.S.;  
 28 requiring the Department of Education to contract with  
 29 an independent, auditing entity if the administration

Page 1 of 7

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30 of online assessments after a certain date does not  
 31 comply with the minimum assessment protocols and  
 32 requirements established by the department; requiring  
 33 the auditing entity to perform certain duties;  
 34 amending s. 282.00515, F.S.; conforming a cross-  
 35 reference; providing an appropriation to the agency;  
 36 providing an effective date.  
 37  
 38 Be It Enacted by the Legislature of the State of Florida:  
 39  
 40 Section 1. Subsections (2), (7), and (10) of section  
 41 282.0051, Florida Statutes, are amended to read:  
 42 282.0051 Agency for State Technology; powers, duties, and  
 43 functions.—The Agency for State Technology shall have the  
 44 following powers, duties, and functions:  
 45 (2) Establish and publish information technology  
 46 architecture standards that:  
 47 (a) ~~to~~ Provide for the most efficient use of the state's  
 48 information technology resources and that ~~to~~ ensure  
 49 compatibility and alignment with the needs of state agencies.  
 50 The agency shall assist state agencies in complying with the  
 51 standards.  
 52 (b) Address for purposes of implementing digital classrooms  
 53 under s. 1011.62(12) issues that include, but are not limited  
 54 to, device recommendations, security requirements, connectivity  
 55 requirements, and browser expectations. Such standards must be  
 56 published by July 1, 2016.  
 57 (7) (a) Participate with the Department of Management  
 58 Services in evaluating, conducting, and negotiating competitive

Page 2 of 7

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59 solicitations for state term contracts for information  
 60 technology commodities, consultant services, or staff  
 61 augmentation contractual services pursuant to s. 287.0591.  
 62 (b) Collaborate with the Department of Management Services  
 63 in information technology resource acquisition planning.  
 64 (c) Collaborate with the Department of Education and the  
 65 Department of Management Services to identify:  
 66 1. State term contract procurement options that are  
 67 available to school districts which provide information  
 68 technology commodities, consultant services, or staff  
 69 augmentation contractual services that support the information  
 70 technology architecture standards applicable to digital  
 71 classrooms.  
 72 2. Shared services available to school districts through  
 73 the State Data Center to facilitate the implementation of school  
 74 district digital classrooms plans.  
 75 (10) (a) Beginning July 1, 2016, and annually thereafter,  
 76 conduct annual assessments of state agencies to determine  
 77 compliance with all information technology standards and  
 78 guidelines developed and published by the agency, and beginning  
 79 December 1, 2016, and annually thereafter, provide results of  
 80 the assessments to the Executive Office of the Governor, the  
 81 President of the Senate, and the Speaker of the House of  
 82 Representatives.  
 83 (b) Include in the annual assessment of the Department of  
 84 Education under paragraph (a):  
 85 1. A review of each school district's digital classrooms  
 86 plan submitted to the Department of Education under s.  
 87 1011.62(12), to determine the school district's compliance with

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88 the information technology architecture standards adopted under  
 89 paragraph (2) (b) and to ensure the accuracy of the school  
 90 district's information technology resources inventory as  
 91 submitted to the Department of Education's Technology Resources  
 92 Inventory System.  
 93 2. Planning assistance to the Department of Education,  
 94 school districts, and public schools to address and reduce any  
 95 issues identified by the annual assessment.  
 96 (c) Contract, if assistance with the completion of the  
 97 annual assessment under paragraph (b) is needed, with one or  
 98 more independent, third-party professional organizations.  
 99 (d) Provide the annual assessment under paragraph (b) to  
 100 the Commissioner of Education by December 1, 2016, and annually  
 101 thereafter. If the Department of Education notifies a school  
 102 district that the district is not in compliance with the  
 103 information technology architecture standards adopted under  
 104 paragraph (2) (b), the district, within 60 days after such  
 105 notification, must become compliant, obtain an exemption from  
 106 such compliance from the Department of Education, or procure  
 107 services through the agency or the Department of Management  
 108 Services to achieve compliance.  
 109 Section 2. Paragraph (b) of subsection (12) of section  
 110 1011.62, Florida Statutes, is amended to read:  
 111 1011.62 Funds for operation of schools.—If the annual  
 112 allocation from the Florida Education Finance Program to each  
 113 district for operation of schools is not determined in the  
 114 annual appropriations act or the substantive bill implementing  
 115 the annual appropriations act, it shall be determined as  
 116 follows:

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117 (12) FLORIDA DIGITAL CLASSROOMS ALLOCATION.-  
 118 (b) Each district school board shall adopt a district  
 119 digital classrooms plan that meets the unique needs of students,  
 120 schools, and personnel and submit the plan for approval to the  
 121 Department of Education. In addition, each district school board  
 122 must, at a minimum, seek input from the district's  
 123 instructional, curriculum, and information technology staff to  
 124 develop the district digital classrooms plan. The district's  
 125 plan must be within the general parameters established in the  
 126 Florida digital classrooms plan pursuant to s. 1001.20. In  
 127 addition, if the district participates in federal technology  
 128 initiatives and grant programs, the district digital classrooms  
 129 plan must include a plan for meeting requirements of such  
 130 initiatives and grant programs. Funds allocated under this  
 131 subsection must be used to support implementation of district  
 132 digital classrooms plans. By October 1, 2014, and by March 1 of  
 133 each year thereafter, on a date determined by the department,  
 134 each district school board shall submit to the department, in a  
 135 format prescribed by the department, a digital classrooms plan.  
 136 At a minimum, such plan must include, and be annually updated to  
 137 reflect, the following:

- 138 1. Measurable student performance outcomes. Outcomes  
 139 related to student performance, including outcomes for students  
 140 with disabilities, must be tied to the efforts and strategies to  
 141 improve outcomes related to student performance by integrating  
 142 technology in classroom teaching and learning. Results of the  
 143 outcomes shall be reported at least annually for the current  
 144 school year and subsequent 3 years and be accompanied by an  
 145 independent evaluation and validation of the reported results.

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146 2. Digital learning and technology infrastructure purchases  
 147 and operational activities. Such purchases and activities must  
 148 be tied to the measurable outcomes under subparagraph 1.,  
 149 including, but not limited to, connectivity, broadband access,  
 150 wireless capacity, Internet speed, and data security, all of  
 151 which must meet or exceed minimum requirements and protocols  
 152 established by the department. For each year that the district  
 153 uses funds for infrastructure, a third-party, independent  
 154 evaluation of the district's technology inventory and  
 155 infrastructure needs must accompany the district's plan.

- 156 3. Professional development purchases and operational  
 157 activities. Such purchases and activities must be tied to the  
 158 measurable outcomes under subparagraph 1., including, but not  
 159 limited to, using technology in the classroom and improving  
 160 digital literacy and competency.
- 161 4. Digital tool purchases and operational activities. Such  
 162 purchases and activities must be tied to the measurable outcomes  
 163 under subparagraph 1., including, but not limited to,  
 164 competency-based credentials that measure and demonstrate  
 165 digital competency and certifications; third-party assessments  
 166 that demonstrate acquired knowledge and use of digital  
 167 applications; and devices that meet or exceed minimum  
 168 requirements and protocols established by the department.
- 169 5. Online assessment-related purchases and operational  
 170 activities. Such purchases and activities must be tied to the  
 171 measurable outcomes under subparagraph 1., including, but not  
 172 limited to, expanding the capacity to administer assessments and  
 173 compatibility with minimum assessment protocols and requirements  
 174 established by the department. If the administration of online

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175 assessments after January 1, 2015, does not comply with the  
176 minimum assessment protocols and requirements established by the  
177 department, the department shall contract with an independent,  
178 auditing entity that has expertise in the area of the  
179 noncompliance to evaluate the extent of the noncompliance and  
180 provide recommendations to remediate the noncompliance in future  
181 administrations of online assessments.

182 Section 3. Section 282.00515, Florida Statutes, is amended  
183 to read:

184 282.00515 Duties of Cabinet agencies.—The Department of  
185 Legal Affairs, the Department of Financial Services, and the  
186 Department of Agriculture and Consumer Services shall adopt the  
187 standards established in s. 282.0051(2)(a), (3), and (8) or  
188 adopt alternative standards based on best practices and industry  
189 standards, and may contract with the Agency for State Technology  
190 to provide or perform any of the services and functions  
191 described in s. 282.0051 for the Department of Legal Affairs,  
192 the Department of Financial Services, or the Department of  
193 Agriculture and Consumer Services.

194 Section 4. For the 2015-2016 fiscal year, the sum of  
195 \$9,993,566, from the General Revenue Fund is appropriated in the  
196 "Special Categories - Contracted Services" appropriation  
197 category to the Agency for State Technology to conduct the  
198 agency's duties under s. 282.0051(10)(b) and (c), Florida  
199 Statutes.

200 Section 5. This act shall take effect July 1, 2015.

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: PCS/CS/SB 948 (689974)

INTRODUCER: Appropriations Subcommittee on Education; Higher Education Committee; and Senator Gaetz

SUBJECT: Education

DATE: April 10, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>HE</u>	<u>Fav/CS</u>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<u>Recommend: Fav/CS</u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/CS/SB 948 updates and establishes numerous public K-12 and postsecondary education statutes relating to Florida digital classrooms, apprenticeships, public school funding and policy issues, preeminent state research university designation, postsecondary affordability, postsecondary performance-based incentive funding models, a Rapid Response Education and Training Program, educator liability insurance, and the Florida Best and Brightest Teacher Scholarship Program.

**Florida Digital Classrooms**

The bill provides a mechanism for comparing the status of digital readiness of school districts and public schools, which is independently verified, based on technology infrastructure standards identified by the Agency for State Technology (Agency), or a contracted organization. The digital readiness of school districts must be assessed using a digital readiness scorecard and uniform definitions of technology infrastructure components established by the Department of Education (DOE) in consultation with the Agency.

**Apprenticeships**

The bill updates definitions, authorizes the appointment of independent public members to the State Apprenticeship Advisory Council, and revises the criteria for an apprenticeable occupation.

The bill also creates the Florida Apprenticeship Grant (FLAG) Program to provide competitive grants to career centers, charter technical career centers and Florida College System (FCS) institutions for the purpose of expanding existing programs and establishing new apprenticeship programs.

### **Public School Funding and Policy Issues.**

The bill modifies the Florida Education Finance Program (FEFP) funding formula by:

- Extending and expanding the requirement of providing an additional hour of intensive reading instruction to students enrolled in the 300 lowest-performing elementary schools.
- Authorizing performance funding for a career and professional education (CAPE) industry certification earned through a dual enrollment course.
- Establishing two new tiers of bonuses and raises the maximum annual bonus for CAPE industry certification teachers.
- Increasing the discretionary millage compression supplement above the state average.
- Revising the formula for calculating the sparsity supplement.
- Revising the formula for calculating the virtual education contribution.
- Creating the federally connected student supplement.

The bill also:

- Clarifies that annual license fees, maintenance fees, and lease agreements for enterprise resource software are allowable uses of local capital improvement funds.
- Provides audit protection for teachers under the Florida Teacher Classroom Supply Assistance Program by requiring teachers to provide the school district with receipts for the expenditure of the funds.
- Authorizes a district school board to adopt policies for standard student attire.
- Requires the DOE to administer an educator liability insurance program. Requires public school instruction on the events surrounding the terrorist attacks occurring on September 11, 2001, and the impact of those events on the nation.
- Provides an exemption for the performance of students with excessive absences from counting against a teacher's performance evaluation.

### **Preeminent State Research University Designation**

The bill adds a requirement that a state research university enter into and maintain a formal agreement with the National Merit Scholarship Corporation for designation as a preeminent state research university.

### **Performance-Based Funding**

The bill establishes the State University System and Florida College System Performance-Based Incentive funding models based on metrics adopted by the Board of Governors and the State Board of Education (State Board), respectively.

### **Rapid Response Education and Training Program**

The bill creates the Rapid Response Education and Training Program (Program) within the Complete Florida Plus Program to recruit and retain employees through industry-specific education and training. The bill:

- Specifies the responsibilities of the Program.
- Requires DOE to evaluate and report on the effectiveness of the Program.
- Requires DOE to develop standards.
- Requires the State Board to adopt rules.

### **Florida Best and Brightest Teacher Scholarship Program**

The bill creates the Florida Best and Brightest Teacher Scholarship Program (Scholarship Program) to award teachers who demonstrate a high level of academic achievement, authorizes funding for the Scholarship Program, and, and, for teachers other than first-year teachers, have been evaluated as highly effective.

The Senate's Fiscal Year 2015-2016 proposed General Appropriations Bill, SB 2500, appropriates a total of \$90 million for the additional hour of intensive reading instruction through the Supplemental Academic Instruction (SAI) and the Research-Based Reading Instruction Allocation categoricals in the FEFP. The increase in the discretionary millage supplement is funded at \$34 million and the federally connected student supplement categorical is funded at \$12.4 million. The State University System and Florida College System Performance-Based Incentive funding models are funded at \$400 million and \$60 million respectively. The Rapid Response Education and Training Program is funded at \$19.2 million.

The Florida Best and Brightest Program and the educator liability insurance program, which do not have an appropriation in SB 2500, have an estimated cost of \$45.5 million and \$1.2 million respectively for the 2015-2016 fiscal year.

The bill provides an effective date of July 1, 2015.

## **II. Present Situation:**

### **Florida Digital Classrooms Allocation**

In 2014, the Legislature elevated policy and funding for technology-enhanced classroom teaching and learning by creating the Florida digital classrooms allocation (allocation) to support efforts and strategies of school districts and public schools in integrating technology into classroom instruction to improve student performance outcomes.<sup>1</sup> In response to the 2014 legislation that created the allocation,<sup>2</sup> the Department of Education (DOE or department) adopted a Strategic Technology Plan establishing the general parameters for digital classrooms which are used by the by the district school boards to adopt their district digital classrooms plan.<sup>3</sup>

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<sup>1</sup> Section 1011.62(12)(a), F.S.

<sup>2</sup> Sections 5 and 27, ch. 2014-56, L.O.F.

<sup>3</sup> Florida Department of Education, *FDOE Digital Classrooms Plan*, <http://www.fldoe.org/about-us/division-of-technology-info-services/bureau-of-edu-tech.stml> (last visited March 6, 2015); see ss. 1001.20(4) and 1011.62(12)(b), F.S. The

For the 2014-2015 fiscal year, the Legislature appropriated \$40 million to school districts to support digital classrooms.<sup>4</sup> A minimum of \$250,000 was provided to each school district and the remaining balance was allocated based on each district's share of the state's total unweighted student enrollment.<sup>5</sup>

### ***State Digital Classrooms Plan***

The Office of Technology and Information Services, within the DOE, is responsible for developing a 5-year strategic plan (state plan) that must:<sup>6</sup>

- Describe how technology will be integrated into classroom teaching and learning to improve student performance outcomes and prepare students to be digital learners.
- Establish minimum technology requirements that include specifications for hardware, software, devices, networking, security, and bandwidth capacity and guidelines for the ratio of students per device.
- Establish minimum requirements for professional development opportunities and training to assist district instructional personnel staff with integrating technology into classroom teaching.
- Identify the types of digital tools and resources that can assist district instructional personnel and staff in management, assessment, and monitoring of student learning and performance.

DOE must update the state plan annually by January 1<sup>st</sup>.<sup>7</sup>

### ***Technology Integration Matrix***

To assist with integrating technology into curriculum, the DOE has prepared a Technology Integration Matrix (TIM)<sup>8</sup> for teachers to use technology to enhance learning by:<sup>9</sup>

- Providing a framework for defining and evaluating technology integration;
- Setting a clear vision for effective teaching with technology;
- Giving teachers and administrators a common language for setting goals; and
- Helping target professional development resources effectively.

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Department of Education has provided to school districts, technical assistance memo and guidance document regarding digital classrooms. Florida Department of Education, *Digital Classrooms Plan (DCP) and Allocation*, <http://www.fldoe.org/about-us/division-of-technology-info-services/bureau-of-edu-tech.stml> (last visited March 9, 2015).

<sup>4</sup> Specific Appropriation 96, s. 2, ch. 2014-51, LO.F.

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

<sup>6</sup> Section 1001.20(4)(a)1., F.S.

<sup>7</sup> Section 1001.20(4)(a)1., F.S.

<sup>8</sup> Florida Department of Education, *Presentation to the Florida Senate Appropriations Subcommittee on Education* (March 4, 2015), available at [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/AED/MeetingRecords/MeetingPacket\\_2873.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/AED/MeetingRecords/MeetingPacket_2873.pdf), at 115 of 120.

<sup>9</sup> Florida Department of Education, *The Technology Integration Matrix*, <http://fcit.usf.edu/matrix/index.php> (last visited March 10, 2015). The five interdependent characteristics of meaningful learning environments are: active, constructive, goal directed (i.e., reflective), authentic, and collaborative. The five levels of technology integration (i.e., entry, adoption, adaptation, infusion, and transformation) with each of the five characteristics of meaningful learning environments. Together, the five levels of technology integration and the five characteristics of meaningful learning environments create a matrix of 25 cells to set a clear vision for effective teaching with technology. Florida Department of Education, *The Technology Integration Matrix* (March 9, 2015), available at <http://fcit.usf.edu/matrix/matrix.php>.

### *District Digital Classrooms Plan*

The 2014 legislation required each district school board to adopt a district digital classrooms plan (DCP) that meets the unique needs of students, schools, and personnel and submit the district DCP to the DOE for approval.<sup>10</sup> By permitting the customization of district digital classrooms plan to meet local needs, the legislation promoted local control of targeted and purposeful technology enhancements in Florida's classrooms. At a minimum, the district DCPs must be updated annually to include the following:<sup>11</sup>

- Measurable student performance outcomes, including the outcomes for students with disabilities.
- Digital learning and technology infrastructure purchases and operational activities including, but not limited to, connectivity, broadband access, wireless capacity, internet speed, and data security, all of which must meet or exceed the minimum requirements and protocols established by the department.
- Professional development purchases and operational activities including, but not limited to, using technology in the classroom and improving digital literacy and competency.
- Digital tool purchases and operational activities including, but not limited to, competency-based credentials that measure and demonstrate digital competency and certifications; third-party assessments that demonstrate acquired knowledge and use of digital applications; and devices that meet or exceed the minimum requirements and protocols established by the department.
- Online assessment-related purchases and operational activities including, but not limited to, expanding the capacity to administer assessments and compatibility with minimum assessment requirements and protocols established by the department.

Each district superintendent must certify to the Commissioner of Education (commissioner) that “the district school board has approved a comprehensive district digital classrooms plan that supports the fidelity of implementation of the Florida digital classrooms allocation.”<sup>12</sup> In addition, each district's DCP must include a formal verification of the district superintendent's approval of the DCP for each charter school in the district.<sup>13</sup> The DOE must approve the DCPs before distributing the allocation funds to the school districts.<sup>14</sup>

For the 2014-2015 school year, the deadline for submitting district DCPs was October 1, 2014.<sup>15</sup> All 67 district school boards have submitted their district DCP and the DOE has approved all district DCPs.<sup>16</sup> For the 2015-2016 school year and each year thereafter, the district school boards must submit their district DCPs annually by March 1.<sup>17</sup>

In addition to submitting DCPs, beginning in the 2015-2016 fiscal year, each district school board must report to the department its use of allocation funds and student performance

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<sup>10</sup> Section 1011.62(12)(b), F.S.

<sup>11</sup> *Id.*

<sup>12</sup> Section 1011.62(12)(c), F.S.

<sup>13</sup> Section 1011.62(12)(b)5(c), F.S.

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

<sup>15</sup> Section 1011.62(12)(b), F.S.

<sup>16</sup> Florida Department of Education, *Approved Districts' Digital Classroom Plans*, <http://www.fldoe.org/about-us/division-of-technology-info-services/dcp.shtml> (last visited March 6, 2015).

<sup>17</sup> Section 1011.62(12)(b), F.S.

outcomes.<sup>18</sup> The department may contract with an independent third-party entity to conduct an annual independent verification of the district's use of allocation funds in accordance with the district's DCP.<sup>19</sup> If an independent third-party verification is not conducted, the Auditor General must, during scheduled operational audits of school districts, verify compliance of the use of allocation funds in accordance with the district's DCP.<sup>20</sup>

Annually, by October 1, beginning in the 2015-2016 fiscal year, the commissioner must provide to the Governor, President of the Senate, and Speaker of the House of Representatives, a summary of each district's use of funds, student performance outcomes, and progress toward meeting statutory requirements and timelines.<sup>21</sup>

### **Apprenticeship Programs**

Registered Apprenticeship (RA) "connects job seekers looking to learn new skills with employers looking for qualified workers, resulting in a workforce with industry-driven training and employers with a competitive edge."<sup>22</sup>

### ***Federal Program Requirements***

The United States Congress enacted the National Apprenticeship Act (also known as the Fitzgerald Act in honor of its author, Congressman William J. Fitzgerald)<sup>23</sup> in 1937.<sup>24</sup> Following the passage of the act, RA programs consisted mainly of manufacturing, construction, and utilities industries.<sup>25</sup> Since 1937, RA programs have grown to 24,000 programs providing education and training to approximately 400,000 apprentices in emerging and high-growth sectors such as energy conservation, health care, and information technology, in addition to traditional industries such as manufacturing and construction.<sup>26</sup> "As the need for skilled workers increases and our economy faces greater global competition, RA continues to be a competitive advantage for all parties—individuals, businesses, labor management organizations, education, the workforce investment system and government. For these reasons, [the Employment and Training Administration, U.S. Department of Labor] issued revised regulations that increase program flexibility to better serve the needs of today's apprentices and program sponsors."<sup>27</sup>

For apprentices and program sponsors, the regulations:<sup>28</sup>

<sup>18</sup> Section 1011.62(12)(e), F.S.

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

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

<sup>21</sup> *Id.*

<sup>22</sup> U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

<sup>23</sup> U.S. Department of Labor, *Workforce System Results* (Sep. 30, 2012), available at <http://www.doleta.gov/Farmworker/pdf/workforceSystemResultsSept2012.pdf>, at 4 of 38.

<sup>24</sup> U.S. Department of Labor, *Registered Apprenticeship*, <http://www.doleta.gov/oa/history.cfm> (last visited March 2, 2015); see 29 U.S.C., s. 50.

<sup>25</sup> U.S. Department of Labor, *Registered Apprenticeship*, <http://www.doleta.gov/oa/history.cfm> (last visited March 2, 2015).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* "These revised regulations published, on October 29, 2008, update Title 29 CFR, part 29 and provide a framework that supports an enhanced, modernized apprenticeship system." U.S. Department of Labor, *Regulations*, <http://www.doleta.gov/oa/regulations.cfm> (last visited March 2, 2015).

<sup>28</sup> U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at [http://www.doleta.gov/oa/pdf/Apprenticeship\\_Final\\_Fact\\_Sheet.pdf](http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf), at 1-2 of 4.

- Incorporate technology-based learning;
- Provide additional pathways to certification;
- Introduce interim credentials;
- Improve registration and review process;
- Update the reciprocal registration provision; and
- Introduce provisional registration.

For State Apprenticeship Agencies (SSAs), the regulations:<sup>29</sup>

- Increase linkages with the workforce investment system;
- Redefine the roles and responsibilities of SSAs and State Apprenticeship Councils (SACs);
- Establish a process for continued recognition; and
- Increase flexibility for location of an SSA.

For the U.S. Department of Labor, the regulations:<sup>30</sup>

- Enhance program accountability; and
- Ensure national conformity with federal apprenticeship legislation and regulations.

Registered apprenticeship program sponsors (i.e., employers, employer associations, and labor management organizations)<sup>31</sup> identify the minimum qualifications to apply into their apprenticeship program.<sup>32</sup> An individual must be at least 16 years of age to be an apprentice.<sup>33</sup> In hazardous occupations, individuals must generally be 18 years of age.<sup>34</sup> Program sponsors may also identify additional minimum qualifications and credentials to apply (e.g., education, ability to physically perform the essential functions of the occupation, and proof of age). All applicants are required to meet the minimum qualifications. Additional qualification standards, such as fair aptitude tests and interviews, school grades, and previous work experience may be identified.<sup>35</sup> Apprenticeship programs range from 1 year to 6 years, but the majority are 4 years in length.<sup>36</sup> During the program, the apprentice receives both structured, on-the-job learning and related classroom instruction.<sup>37</sup> For each year of the apprenticeship, the apprentice typically receives 2,000 hours of on-the-job learning and a recommended minimum of 144 hours of related classroom instruction.<sup>38</sup>

<sup>29</sup> U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at [http://www.doleta.gov/oa/pdf/Apprenticeship\\_Final\\_Fact\\_Sheet.pdf](http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf), at 2-3 of 4.

<sup>30</sup> U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at [http://www.doleta.gov/oa/pdf/Apprenticeship\\_Final\\_Fact\\_Sheet.pdf](http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf), at 3 of 4.

<sup>31</sup> Registered Apprenticeship program sponsors vary from small, privately owned businesses to national employer and industry associations. There are nearly 29,000 sponsors representing more than 250,000 employers, such as UPS, the United States Military Apprenticeship Program, Werner Enterprises, and CVS/pharmacy. U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

<sup>32</sup> U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

<sup>33</sup> *Id.*

<sup>34</sup> U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

<sup>35</sup> *Id.*

<sup>36</sup> U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

### *State Law*

Florida law provides educational and training opportunities, in the form of apprenticeship and preapprenticeship programs, to prepare individuals for trades, occupations, and professions suited to their abilities.<sup>39</sup>

An apprenticeship program means “an organized course of instruction, registered and approved by the department, which course shall contain all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices<sup>40</sup> including such matters as the requirements for a written apprenticeship agreement.”<sup>41</sup> A preapprenticeship program means “an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the department and sponsored by a registered apprenticeship program.”<sup>42</sup>

The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs (e.g., developing and encouraging apprenticeship programs, cooperating with and assisting apprenticeship sponsors to develop apprenticeship standards and training requirements, monitoring RA programs, investigating complaints regarding failure to meet the standards<sup>43</sup> established by the department, and canceling registration of programs that fail to comply with the standards and policies of the department).<sup>44</sup>

Additionally, the department, the district school boards, and the community college district boards of trustees must work together with existing apprenticeship programs so that individuals

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<sup>39</sup> Section 446.011(1), F.S.

<sup>40</sup> An apprentice means “a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which training should be combined with properly coordinated studies of technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.” Section 446.021(2), F.S. A journeyman means “a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.” Section 446.021(4), F.S. An apprenticeable occupation is a skilled trade which possesses all of the characteristics that are specified in law (e.g., customarily learned in a practical way through a structures, systemic program of on-the-job, supervised training and involves manual, mechanical, or technical skills and knowledge which require a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction). Section 446.092, F.S.

<sup>41</sup> Section 446.021(6), F.S. An apprenticeship agreement may not operate to invalidate any apprenticeship provision in a collective agreement between employers and employees which establishes higher apprenticeship standards. Section 446.081(1), F.S.

<sup>42</sup> Section 446.021(5), F.S.

<sup>43</sup> The Department of Education (DOE or department) is responsible for developing apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and assisting district school boards and community college district boards of trustees in developing preapprenticeship programs. Sections 446.011(2), 446.032, and 446.052, F.S. Uniform minimum preapprenticeship standards means “the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards for admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit which may be given to preapprenticeship graduates upon acceptance into the apprenticeship program.” Section 446.021(8), F.S.

<sup>44</sup> Section 446.041, F.S.

completing the preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.<sup>45</sup>

The State Apprenticeship Advisory Council (Council) advises the department on matters related to apprenticeship.<sup>46</sup> The Council is comprised of 10 voting members appointed by the Governor and two ex officio nonvoting members.<sup>47</sup> The Commissioner of Education (commissioner) or the commissioner's designee must serve ex officio as chair of the Council, but may not vote.<sup>48</sup> Two public members who are knowledgeable about registered apprenticeship and apprenticeable occupations are appointed by the Governor to the Council.<sup>49</sup> One of the public members must be recommended by joint organizations and one must be recommended by nonjoint organizations.<sup>50</sup>

## **Florida Education Finance Program (FEFP)**

### ***Intensive Reading Instruction***

A school district that has one or more of the 300 lowest-performing elementary schools based on the state reading assessment is required to provide an additional hour of intensive reading instruction beyond the normal school day for each day of the entire school year in those schools.<sup>51</sup> Funds for this program are designated in the Supplemental Academic Instruction and the Research-Based Reading Instruction Allocation categoricals in the FEFP within the General Appropriations Act (GAA).<sup>52</sup>

### ***Dual Enrollment Industry Certification Funding***

In 2007, the Legislature created the Florida Career and Professional Education (CAPE) Act to:<sup>53</sup>

- Improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- Provide rigorous and relevant career-themed courses<sup>54</sup> that articulate to postsecondary-level coursework and lead to industry certification<sup>55</sup>;
- Support local and regional economic development;
- Respond to Florida's critical workforce needs; and
- Provide state residents with access to high-wage and high-demand careers.

<sup>45</sup> Section 446.052(3), F.S.

<sup>46</sup> Section 446.045(2)(a), F.S.

<sup>47</sup> *Id.*

<sup>48</sup> Section 446.045(2)(b), F.S.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.* A "joint organization" means an apprenticeship sponsor who participates in a collective bargaining agreement. Section 446.045(1)(a), F.S. A "nonjoint organization" means an apprenticeship sponsor who does not participate in a collective bargaining agreement. *Id.* at (1)(b).

<sup>51</sup> Section 1011.62(1)(f) and (9), F.S.

<sup>52</sup> Chapter 2014-51, L.O.F.

<sup>53</sup> Section 1003.491(1), F.S.

<sup>54</sup> A "career-themed course" is a course, or a course in a series of courses, that leads to an industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. Section 1003.493(1)(b), F.S.

<sup>55</sup> Through third-party assessments called industry certifications, students demonstrate competency to perform specific industry-endorsed and -recognized skills and abilities required to perform particular jobs. Sections 1003.4203(8)(b) and 1003.492(2), F.S.

The State Board of Education (SBE or State Board) adopts by rule, the list of industry certifications that are eligible for funding through the Florida Education Finance Program (FEFP).<sup>56</sup> The list of industry certifications approved by Workforce Florida, Inc., and the DOE, called the Industry Certification Funding List, is updated annually.<sup>57</sup> Industry certifications on the “Gold Standard Career Pathways” list, which is incorporated by reference in SBE rule,<sup>58</sup> articulate to Associate in Applied Science and Associate in Science degree programs and are a subset of the Industry Certification Funding List.<sup>59</sup>

Performance funding for a CAPE industry certification earned through dual enrollment is allocated to the Florida College System institution or district career center providing the instruction only if the industry certification is eligible for funding on the Postsecondary Industry Certification Funding List approved by the State Board.<sup>60</sup>

### ***Bonus Funding***

Bonus funding is authorized for school districts and for teachers if a student earns a qualifying score on the following examinations and certifications: International Baccalaureate (IB) examinations; Advanced International Certificate of Education (AICE) examinations; Advance Placement (AP) examinations; and CAPE industry certifications.<sup>61</sup>

### ***School District Bonus Funding***

School district bonus funding is awarded as follows:<sup>62</sup>

- 0.16 full-time equivalent (FTE) bonus funding for every qualifying score earned on an IB or AP examination or full-credit AICE examination.
- 0.8 FTE bonus funding for every qualifying score earned on a half-credit AICE examination.
- 0.1, 0.2, 0.3, 0.5, or 1.0 FTE for CAPE industry certifications.

### ***Teacher Bonus Funding***

Teacher bonus funding is awarded for IB, AICE, and AP examinations, and CAPE industry certifications.<sup>63</sup> For IB examinations, a bonus in the amount of \$50 is awarded for each student taught by the IB teacher who receives a qualifying score on the IB examination.<sup>64</sup> An additional bonus of \$500 is awarded to each IB teacher in a school designated with a grade of “D” or “F” who has at least one student earning a qualifying score on the IB examination.<sup>65</sup> IB bonuses must not exceed \$2,000 given to a teacher in any given school year. However, the maximum bonus

<sup>56</sup> Sections 1008.44 and 1003.492, F.S.

<sup>57</sup> Section 1003.492(2), F.S.

<sup>58</sup> Rule 6A-10.0401, F.A.C.

<sup>59</sup> Florida Department of Education, *Process for Establishing Gold Standard Career Pathways Industry Certification to AAS/AS Degree Statewide Articulation Agreements*, available at <http://www.fldoe.org/workforce/dwdframe/pdf/GSCPICprocess.pdf>.

<sup>60</sup> Section 1011.80, F.S.

<sup>61</sup> Section 1011.62(1)(1)-(o), F.S.

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

shall be \$3,000 if at least 50 percent of the students enrolled in a teacher's course earn a qualifying score in a school designated with a grade of "A," "B," or "C"; or if at least 25 percent of the students enrolled in a teacher's course earn a qualifying score in a school designated with a grade of "D" or "F."<sup>66</sup>

For AICE examinations, a bonus in the amount of \$50 is awarded for each student taught by the AICE teacher in each full-credit AICE course who receives a qualifying score on the AICE examination.<sup>67</sup> A bonus in the amount of \$25 is awarded for each student taught by the AICE teacher in each half-credit AICE course who receives a qualifying score on the AICE examination.<sup>68</sup> An additional bonus of \$500 is awarded to each AICE teacher in a school designated with a grade of "D" or "F" who has at least one student earning a qualifying score on the full-credit AICE examination, or \$250 is awarded each to teachers of half-credit AICE classes in a school designated with a grade of "D" or "F" which has at least one student earning a qualifying score on the half-credit AICE examination.<sup>69</sup> AICE bonuses must not exceed \$2,000 given to a teacher in any given school year.<sup>70</sup>

For AP examinations, a bonus in the amount of \$50 is awarded for each student taught by the AP teacher who receives a qualifying score on the AP examination.<sup>71</sup> An additional bonus of \$500 is awarded to each AP teacher in a school designated with a grade of "D" or "F" who has at least one student earning a qualifying score on the AP examination.<sup>72</sup> AP bonuses must not exceed \$2,000 given to a teacher in any given school year.<sup>73</sup> However, the maximum bonus shall be \$3,000 if at least 50 percent of the students enrolled in a teacher's course earn a qualifying score in a school designated with a grade of "A," "B," or "C"; or if at least 25 percent of the students enrolled in a teacher's course earn a qualifying score in a school designated with a grade of "D" or "F."<sup>74</sup>

For CAPE Industry Certifications, a bonus in the amount of \$25 is awarded for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.1.<sup>75</sup> A bonus in the amount of \$50 is awarded for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.2, 0.3, 0.5, and 1.0.<sup>76</sup> CAPE industry certification bonuses must not exceed \$2,000 given to a teacher in any given school year.<sup>77</sup>

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<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

### ***Discretionary Millage Compression Supplement***

A school district that levies the full 0.748 discretionary millage authorized under s. 1011.71(1), F.S., and prescribed in the GAA,<sup>78</sup> and generates an amount of funds per unweighted FTE student that is less than the state average amount per unweighted FTE student, receives a discretionary millage compression supplement that brings the district up to the state average.<sup>79</sup>

### ***Sparsity Supplement***

The FEFP recognizes the relatively higher operating cost of smaller districts due to sparse student populations through a statutory formula in which the variable factor is a sparsity index.<sup>80</sup> This index is computed by dividing the FTE student membership of the qualified district by the number of permanent senior high school centers (not to exceed three).<sup>81</sup> A qualified district's FTE shall equal or be less than that prescribed annually by the Legislature in the GAA.<sup>82</sup> The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000 FTE.<sup>83</sup>

### ***Virtual Education Contribution***

The virtual education contribution is calculated within the FEFP for the Florida Virtual School and its franchises, as well as other virtual instruction programs and options.<sup>84</sup> The virtual education contribution is the difference between the amount per FTE established in the GAA for virtual education and the amount per FTE for each district and the Florida Virtual School, which is calculated by taking the sum of the base FEFP allocation, the discretionary local effort, the state-funded discretionary contribution, the discretionary millage compression supplement, the research-based reading instruction allocation, and the instructional materials allocation, and then dividing by the total unweighted FTE.<sup>85</sup> In the 2014-2015 fiscal year, funding for virtual education was established at \$5,230 per FTE.<sup>86</sup>

### ***Federally Connected Students***

Title VIII of the Elementary and Secondary Education Act of 1965 authorizes certain school districts to receive federal Impact Aid funding to support the education of students whose parents are employed by the federal government, including active duty uniformed services, or who live or work on federally owned property, such as military installations, National Aeronautics and Space Administration property, and Indian lands.<sup>87</sup>

<sup>78</sup> Chapter 2014-51, L.O.F.

<sup>79</sup> Florida Department of Education, 2014-15 Funding for Florida School Districts, Statistical Report, available at <http://fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>.

<sup>80</sup> Section 1011.62(7)(a), F.S. Florida Department of Education, 2014-15 Funding for Florida School Districts, Statistical Report, available at <http://fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>.

<sup>81</sup> Section 1011.62(7)(b), F.S.

<sup>82</sup> *Id.* at (7)(a).

<sup>83</sup> *Id.*

<sup>84</sup> Section 1011.62(11), F.S. Students are eligible to participate in: (a) school-district operated part-time and full-time kindergarten through grade 12 virtual instruction programs, if enrolled in the school district; (b) full-time virtual charter school instruction programs; or (c) virtual courses offered in the course code directory within the school district or other school districts throughout the state. Section 1002.455(3), F.S.

<sup>85</sup> Section 1011.62(11), F.S.

<sup>86</sup> Chapter 2014-51, L.O.F., see Specific Appropriations 9 and 96 of the 2014-2015 GAA.

<sup>87</sup> 20 U.S.C. s. 7703.

The Impact Aid funding for Florida school districts has decreased by 50 percent from \$13.9 million in the 1993-1994 fiscal year to \$6.9 million in the 2013-2014 fiscal year.<sup>88</sup> Currently, 14 school districts in Florida qualify for federal Impact Aid funding.<sup>89</sup>

### **Local Capital Improvement Revenue for Computer Hardware and Enterprise Software**

School districts are authorized to use local improvement revenue to purchase, lease-purchase, or lease:

- New and replacement equipment;
- Computer hardware; and
- Enterprise resource software applications that are classified as capital assets, have a useful life of at least 5 years, and are used to support districtwide administration or state-mandated reporting requirements.

### **Florida Classroom Teacher Supply Program**

Under the Florida Teachers Classroom Supply Assistance Program, each school district is provided an allocation based on the prorated total of each school district's share of the total K-12 unweighted FTE student enrollment. These funds are to be used only by classroom teachers for the purchase of classroom instructional materials and supplies for use in teaching students.<sup>90</sup> Teachers are required to sign an acknowledgement stating they understand the appropriate use of these funds and that they will keep all receipts for expenditures of the funds for at least four years.<sup>91</sup>

### **Student Safety & Discipline**

Each district school board is authorized to adopt policies requiring students to wear uniforms or policies imposing other dress-related requirements, if a district school board finds that the policies are necessary for the safety and welfare of the students or school personnel.<sup>92</sup> However, students are permitted to wear sunglasses, hats, or other sun-protective wear while outdoors during school hours.<sup>93</sup>

A district school board must adopt rules and policies relating to the control, discipline, suspension, and expulsion of students.<sup>94</sup> The district school board must decide on the expulsion of a student based on the school superintendent's recommendation.<sup>95</sup> In addition, a district school board must adopt a student code of conduct for elementary, middle, and high schools and

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<sup>88</sup> Florida Department of Education, presentation to the Senate Appropriations Subcommittee on Education (January 22, 2015), available at [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/AED/MeetingRecords/MeetingPacket\\_2761.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/AED/MeetingRecords/MeetingPacket_2761.pdf).

<sup>89</sup> *Id.*

<sup>90</sup> 2014-15 Funding for Florida School Districts, Florida Department of Education. <http://fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>

<sup>91</sup> s. 1012.71 (5), F.S.

<sup>92</sup> Section 1001.43(1)(b), F.S.

<sup>93</sup> *Id.*

<sup>94</sup> Section 1006.07(1), F.S.

<sup>95</sup> *Id.*

distribute the code to teachers, school personnel, students, and parents at the beginning of the school year.<sup>96</sup>

The student code of conduct must include a dress code policy prohibiting a student, while on the grounds of a public school during a regular school day, from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment.<sup>97</sup> Any student who violates the dress code policy is subject to specified disciplinary actions determined by the number of violations committed by the student.<sup>98</sup> If a student wears clothing or an accessory that causes a substantial disruption to student learning, the district school board may discipline such student in a manner consistent with its policies for similar infractions.<sup>99</sup>

### **Preeminent State Research Universities**

The preeminent state research university program is a collaborative partnership between the Board of Governors (BOG) of the State University System of Florida and the Legislature to elevate the academic and research preeminence of Florida's highest performing state research universities.<sup>100</sup> A state research university that meets at least 11 of the 12 academic and research excellence standards specified in law is designated as a preeminent state research university.<sup>101</sup>

The academic and research excellence standards are:<sup>102</sup>

- An average weighted grade point average of 4.0 or higher on a 4.0 scale and an average SAT score of 1800 or higher for fall semester incoming freshmen, as reported annually.
- A top-50 ranking on at least two well-known and highly respected national public university rankings, reflecting national preeminence, using most recent rankings.
- A freshman retention rate of 90 percent or higher for full-time, first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System (IPEDS).
- A 6-year graduation rate of 70 percent or higher for full-time, first-time-in-college students, as reported annually to the IPEDS.
- Six or more faculty members at the state university who are members of a national academy, as reported by the Center for Measuring University Performance in the Top American Research Universities (TARU) annual report.
- Total annual research expenditures, including federal research expenditures, of \$200 million or more, as reported annually by the National Science Foundation (NSF).
- Total annual research expenditures in diversified nonmedical sciences of \$150 million or more, based on data reported annually by the NSF.
- A top-100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study, as reported annually by the NSF.
- One hundred or more total patents awarded by the United States Patent and Trademark Office for the most recent 3-year period.

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<sup>96</sup> *Id.* at (2).

<sup>97</sup> *Id.* at (2)(d).

<sup>98</sup> *Id.*

<sup>99</sup> *Id.* at (2)(g).

<sup>100</sup> Section 1001.7065(1), F.S.

<sup>101</sup> *Id.* at (3).

<sup>102</sup> *Id.* at (2).

- Four hundred or more doctoral degrees awarded annually, as reported in the BOG Annual Accountability Report.
- Two hundred or more postdoctoral appointees annually, as reported in the TARU annual report.
- An endowment of \$500 million or more, as reported in the BOG Annual Accountability Report.

A preeminent state research university receives \$5 million in recurring funds annually, subject to appropriation in the GAA.<sup>103</sup> Currently, only the Florida State University and University of Florida meet the standards for preeminent state research university designation and are Florida's only two preeminent state research universities.<sup>104</sup>

### **Florida National Merit Scholarship Incentive Program**

The Florida National Merit Scholarship Incentive Program is a merit scholarship for 2013-14 and later Florida high school graduates who achieved the National Merit or National Achievement Finalist designation. The scholarship award is equal to the per term cost of institutional attendance minus the sum of Bright Futures and the award associated with the National Merit/Achievement process.

### **Postsecondary Textbooks**

Florida College System (FCS) institutions and state universities must post on their websites, not less than 30 days prior to the first day of class for each term, a list of each textbook required for each course for the term.<sup>105</sup> The list must include the International Standard Book Number (ISBN) for each required textbook and specific information necessary to identify the specific textbook required for each course.<sup>106</sup>

The State Board and the BOG must adopt policies, procedures, principles, and guidelines for implementation by FCS institutions and state universities that further efforts to minimize the costs of textbooks for students attending such institutions while maintaining the quality of education and academic freedom.<sup>107</sup> The policies, procedures, and guidelines must provide for the following:<sup>108</sup>

- That textbook adoptions are made with sufficient lead time to bookstores so as to confirm availability of the requested materials and ensure maximum availability of used books.
- That, in the textbook adoption process, the intent to use all items ordered, is confirmed by the course instructor or academic department offering the course before the adoption is finalized.
- That a course instructor or the academic department offering the course, determines, before a textbook is adopted, the extent to which a new edition differs significantly and substantively

<sup>103</sup> Section 1001.7065, F.S.

<sup>104</sup> Florida Board of Governors, Strategic Planning Committee, Agenda Item 7, *Preeminent State Research University Benchmark Plans* (November 20, 2013) available at [http://www.flbog.edu/documents\\_meetings/0184\\_0752\\_5480\\_399%20SPC%20Packet.pdf](http://www.flbog.edu/documents_meetings/0184_0752_5480_399%20SPC%20Packet.pdf).

<sup>105</sup> Section 1004.085(3), F.S.

<sup>106</sup> *Id.*

<sup>107</sup> Section 1004.085(3)-(4), F.S.

<sup>108</sup> Section 1004.085(3)-(4), F.S.

from earlier versions and the value of changing to a new edition or the extent to which an open access textbook may exist and be used.

- That the establishment of policies shall address the availability of required textbooks to students who are otherwise unable to afford the cost, including consideration of the extent to which an open-access textbook may be used.
- The course instructors and academic departments are encouraged to participate in the development, adaptation, and review of open-access textbooks, especially open-access textbooks for high-demand general education courses.

### **Tuition and Fees**

Under Florida law, “tuition” is defined as “the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state.”<sup>109</sup> A student who is classified as a “resident for tuition purposes” is a student who qualifies for the in-state tuition rate.<sup>110</sup> An “out-of-state fee” is “the additional fee for instruction provided by a public postsecondary education institution in this state, which fee is charged to a student who does not qualify for the in-state tuition rate.”<sup>111</sup>

### ***Workforce Education Postsecondary Fees***

A student who enrolls in workforce education postsecondary programs is charged tuition and other fees, unless the student is eligible for an exemption or a waiver.<sup>112</sup> The Legislature establishes the standard tuition and out-of-state fee per contact hour. Since July 1, 2014, for programs leading to a career certificate or an applied technology diploma, the standard tuition is \$2.33 per contact hour for residents and nonresidents. The out-of-state fee for such programs is \$6.99 per contact hour.<sup>113</sup> For adult general education programs, a block tuition of \$45 per half year or \$30 per term is assessed.<sup>114</sup>

Each district school board and each FCS System institution board of trustees are authorized to adopt tuition and out-of-state fees that vary no more than 5 percent below of 5 percent above the combined total of the standard tuition and out-of-state fees.<sup>115</sup>

### ***Florida College System Institution Student Fees***

A student who enrolls in a college credit course, a college preparatory course, or an educator preparation institute (EPI) program at a FCS institution is charged tuition and other fees, unless the student is eligible for an exemption or a waiver.<sup>116</sup> The Legislature establishes the standard tuition and out-of-state fee per credit hour. Since July 1, 2014, the standard tuition per credit hour for residents and non-residents enrolled in advanced and professional, postsecondary

<sup>109</sup> Section 1009.01(1), F.S. Additionally, the definition of tuition states that “[a] charge for any other purpose shall not be included within this fee.” *Id.*

<sup>110</sup> Section 1009.21(1)(g), F.S.

<sup>111</sup> Section 1009.01(2), F.S. Additionally, the definition of out-of-state fee states that “[a] charge for any other purpose shall not be included within this fee.” *Id.*

<sup>112</sup> Sections 1009.22(1)-(2), 1009.25, and 1009.26, F.S.

<sup>113</sup> Section 1009.22(3)(c), F.S.

<sup>114</sup> *Id.*

<sup>115</sup> Section 1009.22(3)(d), F.S.

<sup>116</sup> Sections 1009.23(1)-(2)(a), 1009.25, and 1009.26, F.S.

vocational, developmental education, and EPI programs is \$71.98. The out-of-state fees for such programs is \$215.94 per credit hour.<sup>117</sup> For baccalaureate programs, the tuition per credit hour for resident students is \$91.79 per credit hour.<sup>118</sup> The sum of tuition and out-of-state fee per credit hour for non-resident students must not be more than 85 percent of the sum of tuition and out-of-state fee at a state university nearest to the FCS institution.<sup>119</sup>

Each FCS system institution board of trustees must establish tuition and out-of-state fees, which may vary no more than 10 percent below and 15 percent above the combined total of the standard tuition and fees.<sup>120</sup>

### *State University Student Fees*

A student who enrolls in a college credit course at a state university is charged tuition and other fees, unless the student is eligible for an exemption or a waiver.<sup>121</sup> The amount of resident undergraduate tuition per credit hour is established by the Legislature. Since July 1, 2014, the resident undergraduate tuition is \$105.07 per credit hour for lower-level and upper-level coursework at a state university.<sup>122</sup>

The BOG is authorized to establish tuition for graduate and professional programs, and out-of-state fees for all programs.<sup>123</sup> The sum of tuition and out-of-state fees assessed to nonresident students must be sufficient to offset the full instructional cost of serving such students.<sup>124</sup> However, adjustments to out-of-state fees or tuition for graduate programs and professional programs must not exceed 15 percent in a year.<sup>125</sup>

### **Performance-Based Funding**

Performance-based funding models include performance metrics that evaluate the achievement and improvement of public postsecondary educational institutions.<sup>126</sup>

### *State University System*

In the 2014-2015 GAA, proviso specifically required performance funding be allocated based on the BOG's model approved on January 16, 2014.<sup>127</sup> The BOG model contained 10 performance metrics, which included the following:<sup>128</sup>

<sup>117</sup> Section 1009.23(3)(a), F.S.

<sup>118</sup> Section 1009.23(3)(b)1., F.S.

<sup>119</sup> Section 1009.23(3)(b)2., F.S.

<sup>120</sup> Section 1009.23(4), F.S.

<sup>121</sup> Sections 1009.24(1)-(2), 1009.25, and 1009.26, F.S.

<sup>122</sup> Section 1009.24(4)(a), F.S.

<sup>123</sup> Section 1009.24(4)(b), F.S.

<sup>124</sup> *Id.*

<sup>125</sup> *Id.*

<sup>126</sup> Chapters 2013-40 and 2014-51, L.O.F.

<sup>127</sup> Chapter. 2014-51, L.O.F.

<sup>128</sup> See Florida Board of Governors, Meeting Archives (January 15-16, 2014) available at [http://www.flbog.edu/pressroom/meeting\\_items.php?id=185&agenda=765&type=Past](http://www.flbog.edu/pressroom/meeting_items.php?id=185&agenda=765&type=Past) (last visited March 23, 2015); see also Florida Board of Governors, Meeting Minutes (January 16, 2014) available at [http://www.flbog.edu/documents\\_meetings/0187\\_0790\\_5874\\_10.2.2%20BOG%202014\\_01\\_16\\_Board\\_of\\_Governors\\_minutes.pdf](http://www.flbog.edu/documents_meetings/0187_0790_5874_10.2.2%20BOG%202014_01_16_Board_of_Governors_minutes.pdf).

- Percent of bachelor's degree graduates employed and/or continuing their education;
- Average wages of employed baccalaureate graduates;
- Cost per undergraduate degree;
- Six-year graduation rate (full-time and part-time first time in college (FTIC));
- Academic Progress Rate (second year retention with a grade point average above 2.0);
- Bachelor's degrees awarded in areas of strategic emphasis (including Science, Technology, Engineering and Math (STEM) education);
- University access rate (percent of undergraduates with a Pell Grant);
- Graduate degrees awarded in areas of strategic emphasis (including STEM);
- Two additional metrics, one chosen by each of the following:
  - Board of Governors, and
  - University Board of Trustees

SUS institutions will be evaluated for their performance based on benchmarks adopted by the BOG for achievement of excellence or improvement these specified metrics. The 2014-2015 GAA appropriated \$200 million for State University Performance Based Incentives in the 2014-2015 fiscal year, which included \$100 million in new funding and \$100 million redistributed from the state university's base funds.<sup>129</sup> Institutions qualifying for new funding also have their base funding restored. Any institution which fails to meet the minimum threshold set by the BOG will have a portion of its base funding withheld and must submit an improvement plan to the BOG. The BOG must approve the improvement plan and conduct progress monitoring of the improvement plan's implementation. An institution will have its full base funding restored upon BOG approval of the improvement plan monitoring report. Any institution that fails to make satisfactory progress will not have its full base funding restored.

### ***Florida College System***

In the 2014-2015 GAA, proviso directed the Commissioner of Education to recommend a performance funding formula that may be used to allocate funds to Florida College System institutions.<sup>130</sup> The commissioner's recommendations were to include up to ten performance measures, appropriate performance benchmarks for each measure, and a detailed methodology for allocating performance funds to the colleges.<sup>131</sup> At a minimum, the measures were to include job placement rates, cost per degree, and graduation / retention rates. In January 2015, these recommendations were finalized and included the required measures, as well as additional measures for:<sup>132</sup>

- Pell Grant student graduation rate,
- Program completer entry level wages,

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<sup>129</sup> ch. 2014-51, L.O.F.

<sup>130</sup> *Id.*

<sup>131</sup> Chapter 2014-51, L.O.F., *see* Florida Department of Education, Division of Colleges, *Florida College System Performance Funding Commissioner's Recommendations*, presentation to the Senate Appropriations Subcommittee on Education (February 11, 2015) available at [http://www.floridahighereducation.org/doc\\_meetings/20150223/Senate-Education-Appropriations-Commissioners-FCS-Performance-Funding.pptx](http://www.floridahighereducation.org/doc_meetings/20150223/Senate-Education-Appropriations-Commissioners-FCS-Performance-Funding.pptx) (last visited March 23, 2015).

<sup>132</sup> Florida Department of Education, Division of Colleges, *Florida College System Performance Funding Commissioner's Recommendations*, presentation to the Senate Appropriations Subcommittee on Education (February 11, 2015) available at [http://www.floridahighereducation.org/doc\\_meetings/20150223/Senate-Education-Appropriations-Commissioners-FCS-Performance-Funding.pptx](http://www.floridahighereducation.org/doc_meetings/20150223/Senate-Education-Appropriations-Commissioners-FCS-Performance-Funding.pptx) (last visited March 23, 2015).

- Time to degree,
- Credit milestones, and a
- Local measure selected by each college's board of trustees.

### **Career and Workforce Education**

The Legislature has established mechanisms to facilitate coordination between public and private postsecondary education institutions and employment agencies to assist students in completing degree programs to meet the state's workforce needs.

In 2012, the Legislature created the Complete Florida Plus Program<sup>133</sup> at the University of West Florida (UWF) for the purpose of:<sup>134</sup>

- Facilitating degree completion for the state's adult learners through the Complete Florida Degree Initiative.
- Providing information relating to and access to distance learning courses and degree programs offered by public postsecondary education institutions.
- Coordinating with the Florida College System (FCS) and the State University System (SUS) to identify and provide online academic support services and resources when the multi-institutional provision of such services and resources is more cost effective or operationally effective.
- Administering the Florida Academic Library Services Cooperative<sup>135</sup> (Cooperative) and consulting with the chancellors of the FCS and the SUS regarding the Cooperative.

The UWF must submit annual reports to the President of the Senate and the Speaker of the House of Representatives relating to the implementation and operation of the components of the Complete Florida Plus Program and the Cooperative.<sup>136</sup>

### ***Complete Florida Degree Initiative***

In 2014, the Legislature established the Complete Florida Degree Initiative ("Initiative") within the Complete Florida Plus Program for the purpose of recruiting, recovering, and retaining the state's adult learners<sup>137</sup> and assisting them in completing an associate degree or a baccalaureate degree aligned to the state's high-wage, high-skill workforce needs.<sup>138</sup> The Initiative coordinates with FCS institutions, state universities, and private postsecondary institutions and partners with public and private job recruitment and placement agencies to identify associate, applied baccalaureate, and baccalaureate degree programs that meet the state's workforce needs.<sup>139</sup>

<sup>133</sup> The program was formerly established as the Degree Completion Pilot Project pursuant to s. 15, ch. 2012-34, L.O.F.

<sup>134</sup> Section 1006.735(1), F.S.

<sup>135</sup> Section 1006.73, F.S. The cooperative provides a single library automation system and associated resources and services for public postsecondary institutions to use to support learning, teaching, and research needs. *Id.* at (1).

<sup>136</sup> Sections 1006.73(4) and 1006.735(5), F.S.

<sup>137</sup> Section 1006.735(2), F.S. Adult learners who are veterans or active duty members of the United States Armed Forces are given priority. *Id.* An "adult learner" is defined as "a student who has successfully completed college-level coursework in multiple semesters but has left an institution in good standing before completing his or her degree." *Id.*

<sup>138</sup> Section 1006.735(2), F.S.; *see also*, s. 16, ch. 2014-56, L.O.F.

<sup>139</sup> Section 1006.735(2)(a), F.S.

Specifically, the Initiative must:<sup>140</sup>

- Give priority to degree programs using labor market data and projections, including data and projections included in the Board of Governor’s gap analysis,<sup>141</sup> to identify the specific workforce needs and targeted occupations of the state.
- Provide adult learners with a single point of access to information and links to innovative online and accelerated distance learning courses,<sup>142</sup> student and library support services, and electronic resources<sup>143</sup> that will aid them in completing a postsecondary degree.
- Use existing or develop new competency-based instructional and evaluation tools to assess prior performance, experience, and education to award college credit and reduce the time required for adults to complete degrees.
- Develop and implement an evaluation process to collect and analyze appropriate data to report the effectiveness of the Initiative to the chancellors of the FCS and the SUS, the participating postsecondary education institutions, the chairs of the legislative appropriations committees, and the Executive Office of the Governor.
- Develop and implement a statewide student recruitment campaign targeted toward adult learners, particularly veterans and active duty members of the United States Armed Forces, for enrollment in degree programs offered through the Initiative.

### III. Effect of Proposed Changes:

The bill updates and establishes numerous K-12 and postsecondary education statutes relating to Florida digital classrooms, apprenticeships, public school funding and policy issues, preeminent state research university designation, postsecondary affordability, postsecondary performance-based incentive funding models, a Rapid Response Education and Training Program, educator liability insurance, and the Florida Best and Brightest Teacher Scholarship Program.

#### Florida Digital Classrooms

The bill provides a mechanism for assessing and comparing the status of digital readiness of school districts and public schools based on technology infrastructure standards and targets identified by the Agency for State Technology (AST or agency) or a professional organization that the agency contracts with (contracted organization). The digital readiness of school districts must be assessed using a digital readiness scorecard and uniform definitions of technology infrastructure components established by the Department of Education (DOE or department) in consultation with the agency.

Specifically, the bill requires the AST, or a contracted organization, to consult with the department to identify technology infrastructure standards for the successful implementation of

<sup>140</sup> Section 1006.735(2), F.S.

<sup>141</sup> Section 1001.706(5), F.S.

<sup>142</sup> Section 1006.735(3), F.S. The Complete Florida Plus Program manages a statewide Internet-based catalog of distance learning courses, degree programs, and resources offered by public postsecondary education institutions to facilitate the institutions’ efforts in developing a statewide articulation system that allows students to rapidly proceed toward their educational objectives and transfer between institutions. *Id.*; see also, s. 1007.01, F.S.

<sup>143</sup> Section 1006.735(4), F.S. Statewide online services and support include a streamlined online admissions application process for undergraduate transient students and a K-20 statewide computer-assisted student advising system that supports K-12 career and education planning and the advisement, registration, and certification of postsecondary students for graduation. *Id.*

digital classrooms. These standards must include, but are not limited to, device recommendations, security and connectivity requirements, and browser expectations. This provision will likely facilitate a collaboration between AST, the agency that establishes the standards for the most efficient use of state's information technology resources,<sup>144</sup> and DOE, the department that is familiar with public schools' instructional needs.

### ***Requirements for the Agency for State Technology***

The AST was established in 2014 by the Legislature to oversee the state's essential technology projects and is responsible for establishing standards and processes for information technology (IT).<sup>145</sup> The agency is responsible for establishing technology architecture standards to provide the most efficient use of the state's IT resources which must include, but not be limited to, performance measurements and metrics that objectively reflect the status of an IT project based on a defined and documented scope, cost, and schedule.<sup>146</sup>

In addition to identifying the technology infrastructure standards and targets, the bill requires AST, or a contracted organization, to:

- Perform an annual assessment of the DOE's 5-year strategic plan for establishing Florida digital classrooms and the districts' and charter schools' digital classrooms plans for the 2015-2016 school year, and annually thereafter, to determine the status of technology infrastructure and digital readiness of school districts. The retrospective analyses will likely provide the state with an independent assessment of the districts' and schools' technology infrastructure and digital readiness status and needs. Currently, technology readiness data are self-reported by the school districts. In addition, the retrospective analyses will likely assist with identifying gaps in technology infrastructure relative to the identified standards and targets. The bill requires school districts to be assessed using a digital readiness scorecard to provide a mechanism for comparing the status of school districts' digital readiness.
- Provide prospective planning guidance and technical assistance to the department, school districts, and public schools regarding identified gaps in technology infrastructure and recommended improvements to meet the standards and targets identified by AST or a contracted organization. The guidance and technical assistance will likely help the DOE, school districts, and public schools to make strategic and purposeful investments in technology infrastructure.
- Submit a report by May 1, 2016, for the 2015-2016 school year, and annually by December 1 thereafter, to the Governor, President of the Senate, and Speaker of the House of Representatives, summarizing the status of technology infrastructure and recommending strategies for improving cost efficiencies and maximizing the state's and school districts' investments in technology to establish digital classrooms. The annual report, which AST must provide to the Commissioner of Education (commissioner) by November 1 of each

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<sup>144</sup> Section 282.0051(2), F.S. The Agency for State Technology is responsible for developing and publishing "information technology policy for the management of the state's information technology resources." Section 282.0051(1), F.S.

<sup>145</sup> Section 10, ch. 2014-221, L.O.F.; Agency for State Technology, *About Us*, <http://www.ast.myflorida.com/about.asp> (lasted visited March 9, 2015) Information technology means "equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form." Section 282.0041, F.S.

<sup>146</sup> Section 282.0051(2)-(3), F.S.

year, will likely help to inform the state about the school districts' and public schools' technology infrastructure status and progress toward meeting the technology infrastructure standards and targets that are identified by AST or a contracted organization in consultation with the DOE. Additionally, the recommendations regarding cost efficiencies may help inform strategic budgetary investments in technology infrastructure.

- Collaborate with the DOE and the Department of Management Services (DMS) to identify:
  - State term contract procurement options available to school districts that provide information technology commodities, consultant services, or staff augmentation contractual services that support the information technology architecture standards applicable to digital classrooms.
  - Shared services available to school districts through the State Data Center to facilitate the implementation of school district digital classrooms plans.

### ***Requirements for the Department of Education***

The bill specifies requirements for the DOE regarding incorporating the identified technology infrastructure standards and targets in the department's 5-year strategic plan (state plan), establishing uniform definitions of technology infrastructure components, creating a digital readiness scorecard, and providing access to statewide procurement service agreements:

- The DOE must include the identified technology infrastructure standards and targets in the state plan for successful implementation of digital classrooms to improve student performance outcomes. In addition to the components that must be included in the state plan, which are specified in law,<sup>147</sup> the bill clarifies that the state plan must also identify minimum technology infrastructure requirements in consultation with the AST. The minimum technology infrastructure requirements will likely help the school districts and public schools strategically plan for technology investments and allocate funds purposefully.
- The DOE must coordinate with the AST to facilitate school districts' access to statewide procurement service agreements. Access to competitively procured service agreements may result in cost savings and efficiencies for the school districts.
- The DOE must consult with the AST to establish uniform definitions of technology infrastructure components which must be incorporated into the state plan. The uniform definitions must also be used by charter schools that seek Florida digital classrooms allocation funds and by each district school board in the technology information submitted annually to the DOE. Uniform definitions will allow for comparability of technology infrastructure components across school districts to assess the status of districts' digital readiness.
- The DOE must consult with the AST to create a digital readiness scorecard to compare the digital readiness of school districts within the state. The scorecard must use the uniform definitions and identified technology infrastructure standards and targets identified by the department in consultation with the AST. At a minimum, the scorecard must include the student-to-device ratio, the percentage of schools within each district that meet bandwidth standards, the percentage of classrooms within each district that must meet wireless standards, the refresh rate of devices, network capacity, information storage capacity, and information security services.

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<sup>147</sup> Section 1001.20(4)(a)1., F.S.

- The DOE if it determines the administration of online assessments after January 1, 2015, does not comply with the minimum assessment protocols and requirements it established must contract with an independent, auditing entity that has expertise in the area to evaluate the extent of the noncompliance and provide recommendations to remediate the noncompliance in future administrations of online assessments.

### ***Requirements for School Districts***

Beginning in the 2016-2017 school year, each school district must undergo an annual assessment and independent verification of its use of Florida digital classrooms allocation funds (digital classrooms funds) for the district to be eligible to receive digital classrooms funds. An independent assessment of the districts' use of digital classrooms funds will likely help inform the state about school districts' technology needs and investments to improve student performance outcomes. Access to such information will also likely assist the state with budgetary decisions concerning school districts' and public schools' preparedness to integrate technology into classroom teaching and learning and administer computer-based assessments.

### ***Requirements for Submitting Digital Classrooms Plans***

The bill also makes modifications to the format and deadline for submitting digital classrooms plans:

- The DOE must develop a streamlined format for charter schools to use for submitting their digital classrooms plan. This process may result in creating a precise accountability measurement tool matching the charter school's mission, program, goals, students served, methods of assessment and ways to measure success of charter schools.<sup>148</sup>
- The commissioner must implement an online, web-based portal for school districts and charter schools to submit their digital classrooms plan. The online submission system may result in a cost-effective method for the school districts to timely report their digital classrooms plan information to the department.
- District school boards must submit their digital classrooms plan annually to the DOE by August 1, instead of the March 1 deadline which is the current statutory deadline. The August 1 deadline will likely assist the districts with budgetary planning by taking into consideration allocation funds appropriated for the next school year.

Finally, the bill clarifies that the annual report the commissioner must provide to the Governor, President of the Senate, and Speaker of the House of Representatives, by October 1 of each year, include a summary of each district's:

- Student performance goals and outcomes; and
- Use of funds in support of such goals and outcomes.

The clarification emphasizes that improving student performance outcomes should be the goal that drives technology integration in classroom teaching and learning.

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<sup>148</sup> Florida Department of Education, *General Information* (March 9, 2015), available at <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml>.

## **Apprenticeships**

The bill changes the term “journeyman” to “journeyworker.” Also, the bill clarifies the definition of the term “journeyworker” as a worker who has mastered the skills, abilities, and competencies required for an occupation through a formal apprenticeship or on-the-job experience or formal training. Such skills, abilities, and competencies may be evidenced through a formal apprenticeship, attainment of a nationally recognized industry certification, or through practical, on-the-job experience or formal training. The revised definition may benefit apprentices and apprenticeship programs by clarifying the criteria and enhancing the qualifications of “journeyworkers.”

The bill redefines “related instruction” by specifying that such instruction may be given in occupational or industrial courses taught in the classroom or by correspondence courses, including electronic media or other forms of self-study instruction approved by the Department of Education (DOE). The bill expands the definition to broaden the types of courses and options for receiving instruction on those courses, which may benefit people who would not otherwise have the opportunity to receive such instruction in a traditional setting.

The bill revises the criteria for an apprenticeable occupation as a skilled trade that is clearly defined and:

- May be associated with a nationally recognized industry certification.
- Involves skills and knowledge in accordance with the applicable industry standards.
- Includes a minimum number of hours of on-the-job training.
- Includes related instruction through occupational or industrial courses.

Also, the bill authorizes the Governor to appoint two public members to the State Apprenticeship Advisory Council who are independent of, rather than recommended by, joint or nonjoint organizations affiliated with apprenticeship sponsors.

The bill prohibits an apprenticeship program or agreement from invalidating special provisions for veterans, minority persons, or women.

### ***Florida Apprenticeship Grant Program***

The bill creates the Florida Apprenticeship Grant (FLAG) Program to provide competitive grants to career centers, charter technical career centers and Florida College System (FCS) institutions for the purpose of expanding existing programs and establishing new apprenticeship programs. Program applications must contain projected enrollment and cost data and funds may be used for instructional equipment, supplies, personnel, student services or other administrative costs. The Division of Career and Adult Education within the DOE shall administer the program and give priority to applications for programs in the critical need areas of information technology, health, and machining and manufacturing. Grant recipients must submit quarterly reports to the DOE.

**FEFP Funding*****Intensive Reading Instruction***

The bill extends the requirement of providing an additional hour of intensive reading instruction daily to students enrolled in the 300 lowest-performing elementary schools through the 2017-2018 academic year.

Additionally, the bill requires participating schools to:

- Provide additional reading instruction through an equivalent number of hours in a summer program; and
- Continue to provide the additional hour of instruction to all students who have level 1 or 2 reading assessment scores in the subsequent year after the school is no longer classified as one of the 300 lowest performing.

***Dual Enrollment Industry Certification Funding***

The bill authorizes performance funding for a career and professional education (CAPE) industry certification earned through a dual enrollment course, which is not a fundable certification on the Postsecondary Industry Certification Funding List or is earned as a result of an agreement between a school district and a nonpublic postsecondary institution, to be funded in the same manner as a non-dual enrollment course industry certification. The bill authorizes a school district to provide for an agreement between a high school and a technical center, or the school district and the postsecondary institution may enter into an agreement for equitable distribution of the bonus funds.

***CAPE Teacher Bonus Funding***

The bill establishes two new tiers of bonuses available to CAPE industry certification teachers. A teacher providing instruction to a student in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.3 will earn a \$75 bonus, which is \$25 more than currently authorized. A teacher providing instruction to a student in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 or 1.0 will earn a \$100 bonus, which is \$50 more than currently authorized. The maximum annual bonus for teachers providing instruction in courses leading to these CAPE industry certifications is increased from \$2,000 to \$4,000.

***Discretionary Millage Compression Supplement***

The bill increases the discretionary millage compression supplement for the school district 0.748 mill discretionary levy for operations from the state average to five percent above the state average funds per full-time equivalent (FTE) student membership.

***Sparsity Supplement***

The bill modifies the calculation for determining the sparsity supplement for larger eligible districts with between 20,000 and 24,000 FTE, by dividing the total number of FTE by the number of permanent senior high school centers in the district, not in excess of four rather than three.

***Virtual Education Contribution***

The bill modifies the virtual education contribution calculation within the FEFP by including the declining enrollment supplement and exceptional student education (ESE) guaranteed allocation.

***Federally Connected Student Supplement***

The bill creates the federally connected student supplement categorical within the FEFP. Fourteen school districts, which currently receive federal impact aid under Title VIII of the Elementary and Secondary Education Act of 1965, could be eligible for additional FEFP funding under this new categorical.

The supplement is based on two components: a student allocation and an exempt-property allocation. The student allocation is based on the number of students in the district reported for federal impact aid, including students with disabilities, who

- Reside with a parent who is on active duty in the uniformed services or is an accredited foreign government official and military officer;
- Reside on eligible federally-owned Indian lands; or
- Reside with a civilian parent who lives or works on eligible federal property connected with a military installation or NASA. The number of these students shall be multiplied by a factor of 0.5.

The exempt-property allocation is based on the district's real property value of exempt federal property of federal impact aid lands reserved as military installations, NASA properties, or federally-owned Indian lands, multiplied by the millage authorized and levied under s. 1011.71 (2), F.S. The student allocation and the exempt-property allocation will be added together for each eligible district to produce the federally connected student supplement.

**Local Capital Improvement Revenue for Computer Hardware and Enterprise Software**

School districts are currently authorized to purchase enterprise resource software with their local capital improvement revenue, however, it is unclear as to whether annual license fees, maintenance fees, or lease agreements for enterprise resource software are authorized uses of these funds. The bill specifically authorizes school districts to use their local capital improvement revenue for enterprise resource software annual license fees, maintenance fees, or lease agreements.

**Florida Classroom Teacher Supply Program**

The bill requires classroom teachers to provide receipts for the expenditure of Florida Teachers Classroom Supply Assistance Program funds to the school district, in place of the currently required signed acknowledgement that the teacher understands the appropriate use of the funds and will keep all receipts for expenditures of the funds for at least four years. This change, while requiring additional effort from the school district, protects teachers from potential income tax audit issues arising from situations in which the teacher has not retained receipts, and has the funds counted as taxable income.

### **Student Safety & Discipline**

The bill authorizes a district school board to adopt and implement a standard school attire policy that requires students to conform to wearing specific types and styles of clothing. Furthermore, the bill grants a district school board immunity from civil liability for implementing a districtwide standard school attire policy in at least kindergarten through grade 8.

### **Educator Liability Insurance Program**

The bill requires the DOE to administer an educator liability insurance program, as provided in the General Appropriations Act, to protect full-time instructional personnel from liability for monetary damages and the costs of defending actions resulting from claims made against the instructional personnel's professional capacity. The bill provides that liability coverage of at least \$2 million shall be provided to all full-time instructional personnel and may be provided to part time instructional personnel, administrative personnel, and students enrolled in a state-approved teacher preparation program that choose to participate in the program.

### **Preeminent State Research Universities**

The bill specifies that any institution that meets the required academic and research excellence standards for consideration of preeminent status must also enter into, and maintain, a formal agreement with the National Merit Scholarship Corporation to offer College-sponsored Merit Scholarship® awards to be designated as a preeminent state research university.

### **Florida National Merit Scholarship Incentive Program**

The Florida National Merit Scholarship Incentive Program is renamed as the Benacquisto Scholarship Program, and a recipient of an award is identified as a Benacquisto Scholar.

### **Postsecondary Affordability**

The bill includes provisions related to textbooks and tuition and fees, both of which serve to improve postsecondary affordability.

#### ***Textbook Affordability***

The bill promotes public awareness about textbook and instructional material costs by requiring each FCS institution and state university to prominently post on the institution's website for course registration, a hyperlink to lists of required and recommended textbooks and instructional materials for at least 90 percent of the courses and course sections offered by the institution. The bill also changes the deadline for posting the textbook information online from at least 30 days to at least 14 days before the first day of class for each term. Such information will help students with financial planning for course registrations.

Additionally, the bill:

- Requires that the lists of required and recommended textbooks include new and used retail price and rental price, if applicable, for a required or recommended textbook or instructional

materials for purchase at an institution's designated bookstore or other specified vendor. The lists must also include website or other contact information for the bookstore.

- Requires institutions that are unable to provide the specified information on textbooks within the specified timeframe (i.e., at least 14 days before the first day of student registration for each term) by the 2015 fall semester, to provide the required information to students at least 60 days before the first day of classes. The bill requires institutions to submit quarterly reports to the applicable board, the Board of Governors (BOG) or the State Board of Education (SBE), to document institutions' efforts to comply with the specified requirements by 2016 fall semester.
- Requires postsecondary institutions to consult with school districts regarding textbooks and instructional materials used for dual enrollment courses (e.g., the length of time that textbooks and instructional materials remain in use and the cost associated with digital materials).
- Requires regular cost-benefit analyses to help students receive the highest quality product at the lowest available price.
- Requires the policies, procedures, and guidelines that are adopted by the BOG and the SBE to include instructional materials in addition to textbooks; and requires state universities and FCS institutions to annually send to the BOG or SBE, as applicable, electronic copies of the institutional policies regarding textbooks and instructional materials, which must be available on the boards' websites.
- Requires each FCS institution and state university to annually report specified textbook and instructional material information to the Chancellor of the Florida College System or the Chancellor of the State University System, as applicable (e.g., cost of undergraduate textbooks and instructional materials by course and course section, textbook and instructional material selection process for high-enrollment courses as determined by the chancellors, and specific initiatives to reduce the cost of textbooks and instructional materials). The chancellors must compile the information and report to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31 of each year.

### *College Affordability Strategies*

The bill promotes strategies to maintain college affordability for all Floridians by requiring BOG and SBE to identify strategies and initiatives that must include consideration of the following:

- The impact of tuition and fee increases at state colleges and universities, including graduate, professional, medical, and law schools.
- The total cost of fees, including orientation fees, to a student and family at a state university and a state college.
- The cost of textbooks and instructional materials for all students. To determine the best methods to reduce costs, BOG and SBE must consult with students, faculty, bookstores, and publishers, at a minimum, consider specified options (e.g., purchasing e-textbooks in bulk, expanding the use of open-access textbooks and instructional materials, rental options for textbook and instructional materials, and supporting efficient used book sales, buy-back sales, student-to-student sales, and the cost of instructional materials for dual enrollment students to school districts).

BOG and SBE must annually, by December 31, report on the boards' college affordability efforts to the Governor, President of the Senate, and Speaker of the House of Representatives.

### ***Tuition and Fees***

The bill caps tuition and out-of-state fees for workforce education at no more than 5 percent above the combined total of standard tuition and out-of-state fees. For FCS institutions, tuition must not exceed \$91.79 per credit hour and the tuition and out-of-state fees must not be more than 15 percent above the combined total of standard tuition and out-of-state fees. For state universities, the resident undergraduate tuition for lower-level and upper-level coursework must not exceed \$105.07 per credit hour. Establishing tuition caps rather than a set tuition amount per credit hour may allow postsecondary institutions to charge lower tuition than currently established. The bill prohibits adjustments to the resident tuition for graduate program and professional programs which is set on July 1, 2015.

The bill requires FCS institutions and state universities to notify students and the public about any institutional boards of trustees meeting regarding votes on proposed increases in tuition and fees. The notice must be posted on the institutions' website homepage 28 days before the scheduled meeting of the institutions' boards of trustees. Additionally, the notice must specify the date and time of the meeting, and clearly outline the tuition and fee details and the rationale for the proposed increase. The tuition and fee information may help students and their families plan for higher education at public postsecondary institutions within the state.

### **Performance-Based Funding**

#### ***State University System***

The bill statutorily establishes State University System (SUS) Performance Based Incentive, which is based on indicators of institutional attainment of performance metrics adopted by the BOG. These performance metrics include, but are not limited to, metrics that measure graduation and retention rates; degree production; affordability; postgraduation employment, salaries, or further education; student loan default rates; access; and any other metrics approved by the BOG. SUS institutions will be evaluated for their performance based on benchmarks adopted by the BOG for achievement of excellence or improvement on specified metrics.

Each fiscal year, the amount of funds available for allocation to universities based upon the performance funding model consists of a state investment, plus an institutional investment consisting of funds redistributed from the base funding for the SUS, as determined in the General Appropriations Act (GAA). Institutions qualifying for the state's investment will also have their institutional investment restored. The institutional investment will be restored for all institutions that meet the board's minimum performance funding threshold under the performance funding model. Any institution that is in the bottom three or fails to meet the board's minimum performance funding threshold will not be eligible for the state's investment, will have a portion of its institutional investment withheld, and must submit an improvement plan to the board that specifies the activities and strategies for improving the institution's performance.

#### ***Florida College System***

The bill establishes Florida College System (FCS) Performance Based Incentive, which is based on indicators of institutional attainment of performance metrics adopted by the State Board of Education (state board). These performance metrics include, but are not limited to, metrics that

measure retention; program completion and graduation rates; student loan default rates; job placement; and post-graduation employment, salaries, or further education. FCS institutions will be evaluated for their performance based on benchmarks adopted by the state board for achievement of excellence or improvement on specified metrics.

Each fiscal year, the amount of funds available for allocation to institutions based upon the performance funding model consists of a state investment, plus an institutional investment consisting of funds redistributed from the base funding for the Florida College System Program Fund, as determined in the GAA. Institutions qualifying for the state investment shall also have their institutional investment restored. Any institution which fails to meet the minimum threshold set by the state board will have a portion of its institutional investment withheld and must submit an improvement plan to the state board. The state board must approve the improvement plan and conduct progress monitoring of the improvement plan's implementation. An institution will have its full institutional investment restored upon state board approval of the improvement plan monitoring report. Any institution that fails to make satisfactory progress will not have its full institutional investment restored.

### **Rapid Response Education and Training Program**

The bill creates the Rapid Response Education and Training Program (Program) within the Complete Florida Plus Program to work with Enterprise Florida, Inc., to recruit and retain employees through industry-specific education and training.

Specifically, the bill requires that the Program:

- Award matching grants to public and private education and training providers.
- Submit to the Legislature periodic reports generated by an independent forensic accounting or auditing entity.
- Keep administrative costs to a minimum through the use of existing organizational structures.
- Work with businesses to recruit individuals for education and training.
- Terminate an education and training program by giving 30-days' notice.
- Survey businesses regarding the effectiveness of the education and training programs.

Additionally, the bill requires that the Division of Career and Adult Education within DOE analyze and assess the effectiveness of the education and training programs offered through the Program in meeting labor market and occupational trends and gaps.

Finally, the bill requires the DOE to develop career education program standards that reflect the quality components of a career and technical education program, and requires the State Board of Education to adopt rules.

### **Florida Best and Brightest Teacher Scholarship Program**

The bill creates the Florida Best and Brightest Teacher Scholarship Program (Scholarship Program) to reward teachers who demonstrate a high level of academic achievement and, for teachers other than first-year teachers, who have been evaluated as highly effective. The bill requires that the Scholarship Program be administered by the DOE. Also, the bill authorizes

funding for the Scholarship Program as provided in the GAA, beginning in the 2015-2016 school year, and establishes reporting and payment deadlines for school districts.

The bill provides an effective date of July 1, 2015.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

PCS/CS/SB 948 increases the bonus funding for teachers who provide instruction to a student in a course that led to the attainment of a 0.3, 0.5, or 1.0 weighted industry certification. These teachers are eligible for up to an additional \$2,000 annually in bonus funding.

C. Government Sector Impact:

The bill modifies the calculation for the sparsity supplement to continue to include the Hernando County School District. The Hernando County School District would be eligible for an estimated \$2 million in sparsity supplement funds in the 2015-2016 fiscal year.

The bill modifies the virtual education contribution calculation in the Florida Education Finance Program (FEFP) by including the declining enrollment supplement and the exceptional student education (ESE) guaranteed allocation in the calculation to maintain funding for virtual education at 5,230 per full-time equivalent (FTE) student.

The bill extends the requirement of providing an additional hour of intensive reading instruction daily to students enrolled in the 300 lowest performing elementary schools through the 2017-2018 academic year, requires participating schools to also provide the required additional instruction through an equivalent number of hours in a summer program, and requires participating schools to continue to provide the additional hour of

instruction to all students who have level 1 or 2 reading assessment scores in the subsequent year after the school is no longer classified as one of the 300 lowest performing. This additional hour of reading instruction is funded through the Supplemental Academic Instruction (SAI) and the Research-Based Reading Instruction Allocation categoricals in the FEFP. A total of \$90 million is provided for this instruction in SB 2500, the Senate's 2015-2016 fiscal year Fiscal Year General Appropriations Bill.

The bill increases the discretionary millage compression supplement for the school district 0.748 mill discretionary levy for operations from the state average to five percent above the state average funds per FTE student. This change will increase the discretionary millage supplement by approximately \$34 million.

The bill creates the federally connected student supplement categorical within the FEFP. The school districts eligible for funding through the categorical will receive their proportional share of the \$12,441,144, as proposed in SB 2500, allocated through the FEFP.

The bill statutorily establishes the State University Performance Based Incentive, which is funded at \$400 million in SB 2500. The state's investment consists of \$200 million and the institutional investment constitutes the remaining \$200 million. The funds received by an individual state university will be contingent upon the university's performance on the established metrics.

The bill establishes the Florida College System Performance Based Incentive, which is funded at \$60 million in SB 2500. The state's investment consists of \$30 million and the institutional investment constitutes the remaining \$30 million. The funds received by each institution will be contingent upon the institution's performance on the established metrics.

The bill establishes the Rapid Response Education and Training Program, which is funded at \$19.2 million in SB 2500.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill substantially amends the following sections of the Florida Statutes: 282.0051, 282.00515, 446.021, 446.032, 446.045, 446.052, 446.081, 446.091, 446.092, 1001.20, 1001.43, 1001.7065, 1003.42, 1004.085, 1004.92, 1006.735, 1009.22, 1009.23, 1009.24, 1009.893, 1011.62, 1011.71, 1012.34, 1012.3401, 1012.39, 1012.71, and 1012.75.

The bill creates the following sections of the Florida Statute: 282.0052, 1004.084, 1011.802, and 1012.731.

The bill creates undesignated sections of law.

## **IX. Additional Information:**

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

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

#### **Recommended CS/CS by Appropriations Subcommittee on Education on April 8, 2015:**

The committee substitute:

- Renames the Florida National Merit Scholarship Incentive Program as the Benacquisto Scholarship Program.
- Clarifies that annual license fees, maintenance fees, and lease agreements for enterprise resource software are allowable uses of local capital improvement funds.
- Provides audit protection for teachers under the Florida Teacher Classroom Supply Assistance Program by requiring teachers to provide the school district with receipts for the expenditure of the funds.
- Authorizes a district school board to adopt policies for standard student attire.
- Requires the Department of Education (DOE) to administer an educator liability insurance program.
- Requires public school instruction on the events surrounding the terrorist attacks occurring on September 11, 2001, and the impact of those events on the nation.
- Provides an exemption for the performance of students with excessive absences from counting against a teacher's performance evaluation.
- Requires the Agency for State Technology (AST), or contracted entity, to:
  - Consult with the DOE to identify information technology architectural standards for the successful implementation of digital classrooms.
  - Perform annual assessment of state and school district digital classrooms plans.
  - Provide prospective planning guidance and technical assistance to the DOE, school districts, and public schools.
  - Provide technology infrastructure implementation reports and recommendations to the Legislature, Governor; and the Commissioner of Education regarding the implementation of digital classrooms and status of technology infrastructure.
  - Establish information technology architecture standards for purposes of implementing digital classrooms, including but not limited to, device recommendations, security requirements, connectivity requirements, and browser expectations.
  - Collaborate with the DOE and the Department of Management Services (DMS) to identify state term contract procurement and shared services options for school districts.
  - Include, in the annual assessment of DOE, the status of statewide implementation of digital classrooms and recommendations for improving cost efficiencies.
- Requires the DOE to:

- Consult with the AST to incorporate the minimum information technology architecture standards into the state strategic plan.
- Facilitate school district access to state term contract and shared service options and consult with the AST to establish uniform definitions and create digital readiness scorecard to facilitate implementation of digital classrooms.
- Implement online, web-based portal for submission of digital classroom plans.
- Highlight student performance goals and outcomes in its annual report.
- Contract with independent auditing entity to make recommendations to remediate technology infrastructure issues associated with the administration of 2014-15 online assessments.
- Clarifies the responsibilities of the DOE regarding collaboration with the Department of Economic Opportunity (DEO) to identify, develop, and register apprenticeship and preapprenticeship programs.
- Clarifies that the annual accountability report must include regional information related to program usage, student demographics and performance outcomes, and program requirements for existing and new programs.
- Requires the DOE to collaborate with CareerSource Florida, Inc., in addition to the DEO, to prepare an operational report which must also include:
  - A summary of activities and coordination between the DOE and the DEO to identify, develop, register, and administer apprenticeship and preapprenticeship programs over the last 5 years.
  - Recommendations to maximize resources of the DOE and the DEO to gain efficiencies in program development, administration, and funding.
  - An evaluation of the feasibility of linking the DOE's information on apprenticeship and preapprenticeship programs with the DEO and CareerSource Florida, Inc. workforce information system.
- Establishes the Florida Apprenticeship Grant Program to provide competitive grants to career centers, charter technical career centers and Florida College System (FCS) institutions for the purpose of expanding existing programs and establishing new apprenticeship programs.
- Requires the Board of Governors of the State University System of Florida (BOG) and the State Board of Education (SBE) to identify strategies and initiatives to maintain college affordability for all Floridians and annually report on the boards' college affordability efforts to the Governor, President of the Senate, and Speaker of the House of Representatives.
- Modifies current law regarding a postsecondary educational institution's responsibility to post textbook information online by requiring each FCS institution and state university to prominently post on the institution's website for course registration, a hyperlink to lists of required and recommended textbooks and instructional materials for at least 90 percent of the courses and course sections offered by the institution. The bill also changes the deadline for posting the textbook information online from at least 30 days before the first day of class for each term to at least 14 days before the first day of student registration for each term.
- Specifies modifications to postsecondary educational institutions' policies and procedures for instructional materials.

- Specifies reporting requirements for FCS institutions; state universities; president of a college or university, or his or her designee; Chancellor of the Florida College System, and the Chancellor for the State University System regarding college affordability efforts, and textbooks and instructional materials costs and selection process.
- Establishes caps for tuition and out-of-state workforce education fees, FCS institution fees, and state university tuition per credit hour.
- Requires the FCS institutions and state universities to notify students and the public about any institutional boards of trustees meeting regarding votes on proposed increases in tuition and fees; and provides specifications and timelines for such notifications.

### **CS by Higher Education on March 23, 2015:**

The committee substitute makes the following substantial changes to the bill:

#### **Apprenticeships**

Maintains the substance of the provisions of the bill relating to apprenticeships, except that a nationally recognized industry certification is added to the criteria indicating a journeyworker's or apprentice's skills, abilities, and competencies required for an occupation.

#### **Florida Education Finance Program Funding**

Includes FEFP funding provisions that:

- Expand the requirement that an additional hour of intensive reading instruction be provided for the 300 lowest-performing elementary schools.
- Authorize performance funding for a career and professional education (CAPE) industry certification earned through a dual enrollment course.
- Add tiers for and raise the cap on CAPE bonus funding that teachers may earn for instructing students who attain industry certifications.
- Increase the discretionary millage compression supplement.
- Modify the formula for calculating the K-12 sparsity supplement.
- Modify the formula for calculating the virtual education contribution.
- Create supplemental funding for students connected with federally owned military installations, National Aeronautics and Space Administration property, and Indian lands.

#### **Preeminent State Research University Designation**

Adds provisions requiring participation in the National Merit Scholarship Program for designation as a preeminent state research university or as a preeminent state research university institute for online learning.

#### **Postsecondary Performance-Based Funding**

Adds undesignated sections of law that establish State University System and Florida College System Performance-Based Incentive funding models based on metrics adopted by the Board of Governors and the State Board of Education ("State Board"), respectively, which include, but are not limited to, metrics that measure:

- Graduation and retention rates;
- Degree production;
- Affordability;
- Postgraduation employment, salaries, or continued education;
- Student loan default rates; and
- Access.

**Florida Best and Brightest Teacher Scholarship Program**

Adds a new section creating the Florida Best and Brightest Teacher Scholarship Program (“Scholarship Program”) to award teachers who demonstrate a high level of academic achievement; authorizing funding for the Scholarship Program; and requiring the State Board to adopt rules relating to reports, eligibility criteria for scholarship recipients, and distribution of scholarship funds.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2015	.	
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Appropriations Subcommittee on Education (Gaetz) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (2), (7), and (10) of section  
282.0051, Florida Statutes, are amended to read:

282.0051 Agency for State Technology; powers, duties, and  
functions.—The Agency for State Technology shall have the  
following powers, duties, and functions:

(2) Establish and publish information technology



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11 architecture standards that:

12 (a) ~~to~~ Provide for the most efficient use of the state's  
13 information technology resources and ~~that~~ ~~to~~ ensure  
14 compatibility and alignment with the needs of state agencies.  
15 The agency shall assist state agencies in complying with the  
16 standards.

17 (b) Address for purposes of implementing digital classrooms  
18 under s. 1011.62(12) issues that include, but are not limited  
19 to, device recommendations, security requirements, connectivity  
20 requirements, and browser expectations. Such standards must be  
21 published by December 1, 2015.

22 (7) (a) Participate with the Department of Management  
23 Services in evaluating, conducting, and negotiating competitive  
24 solicitations for state term contracts for information  
25 technology commodities, consultant services, or staff  
26 augmentation contractual services pursuant to s. 287.0591.

27 (b) Collaborate with the Department of Management Services  
28 in information technology resource acquisition planning.

29 (c) Collaborate with the Department of Education and the  
30 Department of Management Services to identify:

31 1. State term contract procurement options that are  
32 available to school districts which provide information  
33 technology commodities, consultant services, or staff  
34 augmentation contractual services that support the information  
35 technology architecture standards applicable to digital  
36 classrooms.

37 2. Shared services available to school districts through  
38 the State Data Center to facilitate the implementation of school  
39 district digital classrooms plans.



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40 (10) (a) Beginning July 1, 2016, and annually thereafter,  
41 conduct annual assessments of state agencies to determine  
42 compliance with all information technology standards and  
43 guidelines developed and published by the agency, and beginning  
44 December 1, 2016, and annually thereafter, provide results of  
45 the assessments to the Executive Office of the Governor, the  
46 President of the Senate, and the Speaker of the House of  
47 Representatives.

48 (b) Include in the annual assessment of the Department of  
49 Education under paragraph (a), the status of statewide  
50 implementation of digital classrooms and each school district's  
51 status of compliance with the information technology  
52 architecture standards identified under paragraph (2) (b),  
53 planning guidance to address identified gaps, and  
54 recommendations for improving cost efficiencies pursuant to s.  
55 282.0052.

56 Section 2. Section 282.00515, Florida Statutes, is amended  
57 to read:

58 282.00515 Duties of Cabinet agencies.—The Department of  
59 Legal Affairs, the Department of Financial Services, and the  
60 Department of Agriculture and Consumer Services shall adopt the  
61 standards established in s. 282.0051(2) (a) ~~s. 282.0051(2)~~, (3),  
62 and (8) or adopt alternative standards based on best practices  
63 and industry standards, and may contract with the Agency for  
64 State Technology to provide or perform any of the services and  
65 functions described in s. 282.0051 for the Department of Legal  
66 Affairs, the Department of Financial Services, or the Department  
67 of Agriculture and Consumer Services.

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69  
70 Section 3. Section 282.0052, Florida Statutes, is created  
71 to read:

72 282.0052 Digital classrooms information technology  
73 architecture standards.-

74 (1) Beginning July 1, 2015, the Agency for State  
75 Technology, or an independent third-party professional  
76 organization that the agency contracts with, shall:

77 (a) Consult with the Department of Education to identify  
78 information technology architecture standards pursuant to s.  
79 282.0051 for the successful implementation of digital  
80 classrooms, pursuant to s. 1011.62(12), in public schools within  
81 the state beginning in the 2016-2017 school year. Such standards  
82 must include, but are not limited to, device recommendations,  
83 security requirements, connectivity requirements, and browser  
84 expectations.

85 (b) Perform an annual assessment of the state 5-year  
86 strategic plan developed pursuant to s. 1001.20 and school  
87 district digital classrooms plan adopted pursuant to s.  
88 1011.62(12) to determine the digital readiness of school  
89 districts and their compliance with the information technology  
90 architecture standards identified under paragraph (a). The  
91 digital readiness of school districts must be assessed using the  
92 digital readiness scorecard established under s. 1001.20(4)(a).

93 (c) Provide prospective planning guidance and technical  
94 assistance to the Department of Education, school districts, and  
95 public schools regarding identified gaps in technology  
96 infrastructure and recommended improvements to meet the  
97 information technology architecture standards identified under



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98 paragraph (a).

99 (d) Summarize and report, by May 1, 2016, for the 2015-2016  
100 school year, and by December 1 for each school year thereafter,  
101 to the Governor, the President of the Senate, and the Speaker of  
102 the House of Representatives:

103 1. The status of technology infrastructure of school  
104 districts and public schools within the state.

105 2. Recommendations for improving cost efficiencies and  
106 maximizing investments in technology by the state and school  
107 districts to establish digital classrooms.

108 (2) For the 2015-2016 school year, the Agency for State  
109 Technology must provide the status of technology infrastructure  
110 information regarding implementation of digital classrooms  
111 statewide and by each school district to the Commissioner of  
112 Education by April 1, 2016. For each school year thereafter, the  
113 status of technology infrastructure information must be provided  
114 to the commissioner by November 1 of each year.

115 (3) For the 2015-2016 school year, the Department of  
116 Education must provide to each school district the status of the  
117 statewide implementation of digital classrooms and the school  
118 district's status regarding compliance with the information  
119 technology architecture standards identified under paragraph  
120 (1) (a) by June 1, 2016. For each school year thereafter, the  
121 Department of Education must notify a school district regarding  
122 compliance with the information technology architecture  
123 standards by January 1 of each year. In addition, the Department  
124 of Education must provide planning guidance to address  
125 identified gaps and recommendations for improving cost  
126 efficiencies in accordance with subsection (1) to each school



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127 district. If the annual assessment indicates that a school  
128 district is not in compliance with the information technology  
129 architecture standards identified under paragraph (1)(a), the  
130 school district must, within 60 days from the date of receipt of  
131 such notification from the Department of Education become  
132 compliant; obtain an exemption to waive compliance from the  
133 Department of Education; or procure services through the agency  
134 or the Department of Management Services to achieve compliance.

135 Section 4. Subsections (2), (4), (5), (6), and (9) of  
136 section 446.021, Florida Statutes, are amended to read:

137 446.021 Definitions of terms used in ss. 446.011-446.092.-  
138 As used in ss. 446.011-446.092, the term:

139 (2) "Apprentice" means a person at least 16 years of age  
140 who is engaged in learning a recognized skilled trade through  
141 actual work experience under the supervision of journeyworker  
142 ~~journeymen~~ craftsmen, which training should be combined with  
143 properly coordinated studies of related technical and  
144 supplementary subjects, and who has entered into a written  
145 agreement, which may be cited as an apprentice agreement, with a  
146 registered apprenticeship sponsor who may be ~~either~~ an employer,  
147 an association of employers, or a local joint apprenticeship  
148 committee.

149 (4) "Journeyworker" ~~"Journeyman"~~ means a worker who has  
150 attained certain skills, abilities, and competencies and who is  
151 recognized within an industry as having mastered the skills and  
152 competencies required for the occupation, including, but not  
153 limited to, attainment of a nationally recognized industry  
154 certification. The term includes a mentor, technician,  
155 specialist, or other skilled worker who has documented



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156 sufficient skills and knowledge of an occupation, through formal  
157 apprenticeship, attainment of a nationally recognized industry  
158 certification, or through practical, on-the-job experience or  
159 formal training ~~a person working in an apprenticeable occupation~~  
160 ~~who has successfully completed a registered apprenticeship~~  
161 ~~program or who has worked the number of years required by~~  
162 ~~established industry practices for the particular trade or~~  
163 ~~occupation.~~

164 (5) "Preapprenticeship program" means an organized course  
165 of instruction, including, but not limited to, industry  
166 certifications identified under s. 1008.44, in the public school  
167 system or elsewhere, which course is designed to prepare a  
168 person 16 years of age or older to become an apprentice and  
169 which course is approved by and registered with the department  
170 and sponsored by a registered apprenticeship program.

171 (6) "Apprenticeship program" means an organized course of  
172 instruction, including, but not limited to, industry  
173 certifications identified under s. 1008.44, registered and  
174 approved by the department, which course shall contain all terms  
175 and conditions for the qualifications, recruitment, selection,  
176 employment, and training of apprentices including such matters  
177 as the requirements for a written apprenticeship agreement.

178 (9) "Related instruction" means an organized and systematic  
179 form of instruction designed to provide the apprentice with  
180 knowledge of the theoretical and technical subjects related to a  
181 specific trade or occupation. Such instruction may be given in a  
182 classroom, through occupational or industrial courses, or by  
183 correspondence courses of equivalent value, including electronic  
184 media or other forms of self-study instruction approved by the



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185 department.

186 Section 5. Section 446.032, Florida Statutes, is amended to  
187 read:

188 446.032 General duties of the department for apprenticeship  
189 training.—The department shall:

190 (1) Establish uniform minimum standards and policies  
191 governing apprentice programs and agreements. The standards and  
192 policies shall govern the terms and conditions of the  
193 apprentice's employment and training, including the quality  
194 training of the apprentice for, but not limited to, such matters  
195 as ratios of apprentices to journeyworkers ~~journeymen~~, safety,  
196 related instruction, and on-the-job training; but these  
197 standards and policies may not include rules, standards, or  
198 guidelines that require the use of apprentices and job trainees  
199 on state, county, or municipal contracts. The department may  
200 adopt rules necessary to administer the standards and policies.

201 (2) Establish procedures to be used by the State  
202 Apprenticeship Advisory Council.

203 (3) Collaborate with the Department of Economic Opportunity  
204 to identify, develop, and register apprenticeship programs that  
205 are aligned with statewide demand for a skilled labor force in  
206 high-demand occupations and with regional workforce needs.

207 Beginning in the 2015-2016 fiscal year, the department shall  
208 annually, by December 31, submit an accountability report, which  
209 must include information related to program usage, student  
210 demographics and performance outcomes, and program requirements  
211 for the existing apprenticeship and preapprenticeship programs  
212 and the development of new programs. The report must include  
213 regional information about program and student performance



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214 outcomes. The report must be submitted to the Governor, the  
215 President of the Senate, the Speaker of the House of  
216 Representatives, and the Higher Education Coordinating Council.

217 (4) Post on its Internet website information regarding  
218 apprenticeship programs, which must, at a minimum, include:

219 (a) Program admission requirements;

220 (b) Program standards and training requirements; and

221 (c) A summary of program and student performance outcomes.

222 Section 6. Paragraph (b) of subsection (2) of section  
223 446.045, Florida Statutes, is amended to read:

224 446.045 State Apprenticeship Advisory Council.—

225 (2)

226 (b) The Commissioner of Education or the commissioner's  
227 designee shall serve ex officio as chair of the State  
228 Apprenticeship Advisory Council, but may not vote. The state  
229 director of the Office of Apprenticeship of the United States  
230 Department of Labor shall serve ex officio as a nonvoting member  
231 of the council. The Governor shall appoint to the council four  
232 members representing employee organizations and four members  
233 representing employer organizations. Each of these eight members  
234 shall represent industries that have registered apprenticeship  
235 programs. The Governor shall also appoint two public members who  
236 are knowledgeable about registered apprenticeship and  
237 apprenticeable occupations, who are independent of any joint or  
238 nonjoint organization one of whom shall be recommended by joint  
239 organizations, and one of whom shall be recommended by nonjoint  
240 organizations. Members shall be appointed for 4-year staggered  
241 terms. A vacancy shall be filled for the remainder of the  
242 unexpired term.



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243 Section 7. Subsections (5) and (6) are added to section  
244 446.052, Florida Statutes, to read:

245 446.052 Preapprenticeship program.—

246 (5) The department shall collaborate with the Department of  
247 Economic Opportunity to identify, develop, and register  
248 preapprenticeship programs that are aligned with statewide  
249 demand for a skilled labor force in high-demand occupations and  
250 with regional workforce needs. Beginning in the 2015-2016 fiscal  
251 year, the department shall annually, by December 31, submit an  
252 accountability report, which must include information related to  
253 program usage, student demographics and performance outcomes,  
254 and program requirements for the existing apprenticeship and  
255 preapprenticeship programs and the development of new programs.  
256 The report must include regional information about program and  
257 student performance outcomes. The report must be submitted to  
258 the Governor, the President of the Senate, the Speaker of the  
259 House of Representatives, and the Higher Education Coordinating  
260 Council.

261 (6) The department shall post on its Internet website  
262 information regarding preapprenticeship programs, which must, at  
263 a minimum, include:

- 264 (a) Program admission requirements;  
265 (b) Program standards and training requirements; and  
266 (c) A summary of program and student performance outcomes.

267 Section 8. Preapprenticeship and apprenticeship operational  
268 report.—(1) By December 31, 2015, the Department of Education,  
269 in collaboration with the Department of Economic Opportunity and  
270 CareerSource Florida, Inc., shall submit an operational report  
271 to the Governor, the President of the Senate, the Speaker of the



272 House of Representatives, and the Higher Education Coordinating  
273 Council providing:

274 (a) A summary of the activities and coordination between  
275 the two agencies to identify, develop, register, and administer  
276 preapprenticeship and apprenticeship programs over the last 5  
277 years.

278 (b) The strategies employed by the two agencies to engage  
279 school districts, Florida College System institutions, technical  
280 centers, businesses, and other stakeholders as partners in the  
281 workforce system to expand employment opportunities for  
282 individuals, including, but not limited to, those individuals  
283 with unique abilities, which must include work-based learning  
284 experiences, such as preapprenticeships and apprenticeships.

285 (c) Recommendations to maximize the resources of the two  
286 agencies to gain efficiency in program development,  
287 administration, and funding and make program governance changes  
288 to improve the delivery and management of preapprenticeship and  
289 apprenticeship programs based on workforce demands. These  
290 recommendations must take into account federal resources and  
291 must include any necessary or suggested changes to the programs  
292 ensuing from implementation of the Workforce Innovation and  
293 Opportunity Act of 2014 and related regulations.

294 (d) Recommendations and strategies for the two agencies to  
295 communicate effectively with employers in this state and ensure  
296 that employers have access to information and consultative  
297 services, at no cost to the employers, regarding sponsorship of  
298 demand-driven, registered preapprenticeship and apprenticeship  
299 programs and information about the availability of program  
300 students for employment.



301 (e) An evaluation of the feasibility of linking or  
302 incorporating, and of the resources necessary to link or  
303 incorporate, the Department of Education's website information  
304 on preapprenticeship and apprenticeship programs with the  
305 Department of Economic Opportunity and CareerSource Florida,  
306 Inc., workforce information system required under chapter 445,  
307 Florida Statutes.

308 (2) This section expires on July 1, 2016.

309 Section 9. Subsection (4) is added to section 446.081,  
310 Florida Statutes, to read:

311 446.081 Limitation.—

312 (4) Nothing in ss. 446.011-446.092 or the implementing  
313 rules in these sections shall operate to invalidate any special  
314 provision for veterans, minority persons, or women in the  
315 standards, qualifications, or operation of the apprenticeship  
316 program or in the apprenticeship agreement which is not  
317 otherwise prohibited by law, executive order, or authorized  
318 regulation.

319 Section 10. Section 446.091, Florida Statutes, is amended  
320 to read:

321 446.091 On-the-job training program.—All provisions of ss.  
322 446.011-446.092 relating to apprenticeship and  
323 preapprenticeship, including, but not limited to, programs,  
324 agreements, standards, administration, procedures, definitions,  
325 expenditures, local committees, powers and duties, limitations,  
326 grievances, and ratios of apprentices and job trainees to  
327 journeyworkers ~~journeymen~~ on state, county, and municipal  
328 contracts, shall be appropriately adapted and made applicable to  
329 a program of on-the-job training authorized under those



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330 provisions for persons other than apprentices.

331 Section 11. Section 446.092, Florida Statutes, is amended  
332 to read:

333 446.092 Criteria for apprenticeship occupations.—An  
334 apprenticeable occupation is a skilled trade which possesses all  
335 of the following characteristics:

336 (1) It is customarily learned in a practical way through a  
337 structured, systematic program of on-the-job, supervised  
338 training.

339 (2) It is clearly identified and commonly recognized  
340 throughout an the industry, and may be associated with a  
341 nationally recognized industry certification ~~or recognized with~~  
342 ~~a positive view towards changing technology.~~

343 (3) It involves manual, mechanical, or technical skills and  
344 knowledge which, in accordance with the industry standard for  
345 the occupation, requires ~~require~~ a minimum of 2,000 hours of on-  
346 the-job work and training, which hours are excluded from the  
347 time spent at related instruction.

348 (4) It requires related instruction to supplement on-the-  
349 job training. Such instruction may be given in a classroom,  
350 through occupational or industrial courses, or through  
351 correspondence courses of equivalent value, including electronic  
352 media or other forms of self-study instruction approved by the  
353 department.

354 ~~(5) It involves the development of skill sufficiently broad~~  
355 ~~to be applicable in like occupations throughout an industry,~~  
356 ~~rather than of restricted application to the products or~~  
357 ~~services of any one company.~~

358 ~~(6) It does not fall into any of the following categories:~~



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359           ~~(a) Selling, retailing, or similar occupations in the~~  
360 ~~distributive field.~~

361           ~~(b) Managerial occupations.~~

362           ~~(c) Professional and scientific vocations for which~~  
363 ~~entrance requirements customarily require an academic degree.~~

364           Section 12. Paragraph (a) of subsection (4) of section  
365 1001.20, Florida Statutes, is amended to read:

366           1001.20 Department under direction of state board.—

367           (4) The Department of Education shall establish the  
368 following offices within the Office of the Commissioner of  
369 Education which shall coordinate their activities with all other  
370 divisions and offices:

371           (a) *Office of Technology and Information Services.*—

372           1. Responsible for developing a 5-year strategic plan, in  
373 consultation with the Agency for State Technology, to

374 incorporate the minimum information technology architecture  
375 standards for the successful implementation of digital

376 classrooms to improve student performance outcomes under s.

377 1011.62(12) for establishing Florida digital classrooms by

378 ~~October 1, 2014,~~ and annually updating the plan by January 1

379 ~~each year thereafter.~~ The Florida digital classrooms plan shall

380 be provided to each school district and published on the

381 department's website. The plan must:

382           a. Describe how technology will be integrated into  
383 classroom teaching and learning to assist the state in improving  
384 student performance outcomes and enable all students in Florida  
385 to be digital learners with access to digital tools and  
386 resources.

387           b. Identify minimum information technology architecture



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388 standards requirements, which ~~that~~ include specifications for  
389 hardware, software, devices, networking, security, and bandwidth  
390 capacity and guidelines for the ratio of students per device.  
391 The Office of Technology and Information Services shall consult  
392 with the Agency for State Technology in identifying minimum  
393 information technology architecture standards.

394 c. Establish minimum requirements for professional  
395 development opportunities and training to assist district  
396 instructional personnel and staff with the integration of  
397 technology into classroom teaching.

398 d. Identify the types of digital tools and resources that  
399 can assist district instructional personnel and staff in the  
400 management, assessment, and monitoring of student learning and  
401 performance.

402 2. Responsible for making budget recommendations to the  
403 commissioner, providing data collection and management for the  
404 system, assisting school districts in securing Internet access  
405 and telecommunications services, including those eligible for  
406 funding under the Schools and Libraries Program of the federal  
407 Universal Service Fund, and coordinating services with other  
408 state, local, and private agencies.

409 3. Responsible for coordinating with the Agency for State  
410 Technology to facilitate school districts' access to state term  
411 contract procurement options and shared services pursuant to s.  
412 282.0051(7)(c).

413 4. Responsible for consulting with the Agency for State  
414 Technology to establish uniform definitions of information  
415 technology architecture components which must be incorporated  
416 into the department's 5-year strategic plan. The uniform



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417 definitions must be incorporated by each charter school that  
418 seeks Florida digital classrooms allocation funds and by each  
419 district school board in the technology information annually  
420 submitted to the department which includes, but is not limited  
421 to, digital classroom plans and technology resources inventory.

422 5. Responsible for consulting with the Agency for State  
423 Technology to create a digital readiness scorecard to compare  
424 the digital readiness of school districts within the state. The  
425 scorecard must use the uniform definitions identified under this  
426 section and information technology architecture standards  
427 identified under s. 282.0052(1)(a). At a minimum, the scorecard  
428 must include the student-to-device ratio, the percentage of  
429 schools within each district that meet bandwidth standards, the  
430 percentage of classrooms within each district that meet wireless  
431 standards, the refresh rate of devices, network capacity,  
432 information storage capacity, and information security services.

433 Section 13. Paragraph (b) of subsection (1) of section  
434 1001.43, Florida Statutes, is amended to read:

435 1001.43 Supplemental powers and duties of district school  
436 board.—The district school board may exercise the following  
437 supplemental powers and duties as authorized by this code or  
438 State Board of Education rule.

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

443 (b) Require that the attire ~~uniforms~~ to be worn by the  
444 student body conform to a standard student attire policy that  
445 prohibits certain types or styles of clothing and requires solid



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446 colored clothing and fabrics for pants, skirts, shorts, or  
447 similar clothing and short or long sleeved shirts with collars.  
448 The policy may authorize a small logo but may not authorize a  
449 motto or slogan. The purpose of a standard student attire policy  
450 is to provide a safe environment that fosters learning and  
451 improves school safety and discipline by:

452 1. Encouraging students to express their individuality  
453 through personality and academic achievements, rather than  
454 outward appearance.

455 2. Enabling students to focus on academics, rather than  
456 fashion, because they are able to project a neat, serious, and  
457 studious image.

458 3. Minimizing disciplinary problems because students are  
459 not distracted by clothing.

460 4. Reducing the time needed to correct dress code  
461 violations through a readily available inventory of compliant  
462 attire.

463 5. Minimizing visible differences and eliminating social  
464 pressures to wear brand name clothing or "gang colors," thereby  
465 easing financial pressures on parents and enhancing school  
466 safety.

467 6. Creating a sense of school pride and belonging.

468  
469 A district school board may implement a standard student attire  
470 policy as part of an overall program to foster and promote  
471 desirable school operating conditions and a safe and supportive  
472 educational environment. A standard student attire policy must  
473 allow a parent to opt his or her student out of the policy for  
474 religious purposes or by reason of a disability. A district



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475 school board that implements a districtwide standard student  
476 attire policy for all students in at least kindergarten through  
477 eighth grade is immune from civil liability resulting from  
478 adoption of the policy in accordance with this paragraph, ~~or~~  
479 ~~impose other dress-related requirements, if the district school~~  
480 ~~board finds that those requirements are necessary for the safety~~  
481 ~~or welfare of the student body or school personnel. However,~~  
482 Students may wear sunglasses, hats, or other sun-protective wear  
483 while outdoors during school hours, such as when students are at  
484 recess.

485 Section 14. Subsections (3) and (4) of section 1001.7065,  
486 Florida Statutes, are amended to read:

487 1001.7065 Preeminent state research universities program.-

488 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.-The  
489 Board of Governors shall designate each state research  
490 university that meets at least 11 of the 12 academic and  
491 research excellence standards identified in subsection (2) and  
492 that enters into and maintains a formal agreement with the  
493 National Merit Scholarship Corporation to offer college-  
494 sponsored merit scholarship awards a preeminent state research  
495 university.

496 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR  
497 ONLINE LEARNING.-A state research university that, as of July 1,  
498 2013, met ~~meets~~ all 12 of the academic and research excellence  
499 standards identified in subsection (2), as verified by the Board  
500 of Governors, shall establish an institute for online learning.  
501 Continuation of the institute for online learning is contingent  
502 upon a state research university entering into and maintaining a  
503 formal agreement with the National Merit Scholarship Corporation



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504 to offer college-sponsored merit scholarship awards. The  
505 institute shall establish a robust offering of high-quality,  
506 fully online baccalaureate degree programs at an affordable cost  
507 in accordance with this subsection.

508 (a) By August 1, 2013, the Board of Governors shall convene  
509 an advisory board to support the development of high-quality,  
510 fully online baccalaureate degree programs at the university.

511 (b) The advisory board shall:

512 1. Offer expert advice, as requested by the university, in  
513 the development and implementation of a business plan to expand  
514 the offering of high-quality, fully online baccalaureate degree  
515 programs.

516 2. Advise the Board of Governors on the release of funding  
517 to the university upon approval by the Board of Governors of the  
518 plan developed by the university.

519 3. Monitor, evaluate, and report on the implementation of  
520 the plan to the Board of Governors, the Governor, the President  
521 of the Senate, and the Speaker of the House of Representatives.

522 (c) The advisory board shall be composed of the following  
523 five members:

524 1. The chair of the Board of Governors or the chair's  
525 permanent designee.

526 2. A member with expertise in online learning, appointed by  
527 the Board of Governors.

528 3. A member with expertise in global marketing, appointed  
529 by the Governor.

530 4. A member with expertise in cloud virtualization,  
531 appointed by the President of the Senate.

532 5. A member with expertise in disruptive innovation,



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533 appointed by the Speaker of the House of Representatives.

534 (d) The president of the university shall be consulted on  
535 the advisory board member appointments.

536 (e) A majority of the advisory board shall constitute a  
537 quorum, elect the chair, and appoint an executive director.

538 (f) By September 1, 2013, the university shall submit to  
539 the advisory board a comprehensive plan to expand high-quality,  
540 fully online baccalaureate degree program offerings. The plan  
541 shall include:

542 1. Existing on-campus general education courses and  
543 baccalaureate degree programs that will be offered online.

544 2. New courses that will be developed and offered online.

545 3. Support services that will be offered to students  
546 enrolled in online baccalaureate degree programs.

547 4. A tuition and fee structure that meets the requirements  
548 in paragraph (k) for online courses, baccalaureate degree  
549 programs, and student support services.

550 5. A timeline for offering, marketing, and enrolling  
551 students in the online baccalaureate degree programs.

552 6. A budget for developing and marketing the online  
553 baccalaureate degree programs.

554 7. Detailed strategies for ensuring the success of students  
555 and the sustainability of the online baccalaureate degree  
556 programs.

557

558 Upon recommendation of the plan by the advisory board and  
559 approval by the Board of Governors, the Board of Governors shall  
560 award the university \$10 million in nonrecurring funds and \$5  
561 million in recurring funds for fiscal year 2013-2014 and \$5



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562 million annually thereafter, subject to appropriation in the  
563 General Appropriations Act.

564 (g) Beginning in January 2014, the university shall offer  
565 high-quality, fully online baccalaureate degree programs that:

- 566 1. Accept full-time, first-time-in-college students.
- 567 2. Have the same rigorous admissions criteria as equivalent  
568 on-campus degree programs.
- 569 3. Offer curriculum of equivalent rigor to on-campus degree  
570 programs.

571 4. Offer rolling enrollment or multiple opportunities for  
572 enrollment throughout the year.

573 5. Do not require any on-campus courses. However, for  
574 courses or programs that require clinical training or  
575 laboratories that cannot be delivered online, the university  
576 shall offer convenient locational options to the student, which  
577 may include, but are not limited to, the option to complete such  
578 requirements at a summer-in-residence on the university campus.  
579 The university may provide a network of sites at convenient  
580 locations and contract with commercial testing centers or  
581 identify other secure testing services for the purpose of  
582 proctoring assessments or testing.

583 6. Apply the university's existing policy for accepting  
584 credits for both freshman applicants and transfer applicants.

585 (h) The university may offer a fully online Master's in  
586 Business Administration degree program and other master's degree  
587 programs.

588 (i) The university may develop and offer degree programs  
589 and courses that are competency based as appropriate for the  
590 quality and success of the program.



591 (j) The university shall periodically expand its offering  
592 of online baccalaureate degree programs to meet student and  
593 market demands.

594 (k) The university shall establish a tuition structure for  
595 its online institute in accordance with this paragraph,  
596 notwithstanding any other provision of law.

597 1. For students classified as residents for tuition  
598 purposes, tuition for an online baccalaureate degree program  
599 shall be set at no more than 75 percent of the tuition rate as  
600 specified in the General Appropriations Act pursuant to s.  
601 1009.24(4) and 75 percent of the tuition differential pursuant  
602 to s. 1009.24(16). No distance learning fee, fee for campus  
603 facilities, or fee for on-campus services may be assessed,  
604 except that online students shall pay the university's  
605 technology fee, financial aid fee, and Capital Improvement Trust  
606 Fund fee. The revenues generated from the Capital Improvement  
607 Trust Fund fee shall be dedicated to the university's institute  
608 for online learning.

609 2. For students classified as nonresidents for tuition  
610 purposes, tuition may be set at market rates in accordance with  
611 the business plan.

612 3. Tuition for an online degree program shall include all  
613 costs associated with instruction, materials, and enrollment,  
614 excluding costs associated with the provision of textbooks and  
615 instructional materials pursuant to s. 1004.085 and physical  
616 laboratory supplies.

617 4. Subject to the limitations in subparagraph 1., tuition  
618 may be differentiated by degree program as appropriate to the  
619 instructional and other costs of the program in accordance with



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620 the business plan. Pricing must incorporate innovative  
621 approaches that incentivize persistence and completion,  
622 including, but not limited to, a fee for assessment, a bundled  
623 or all-inclusive rate, and sliding scale features.

624 5. The university must accept advance payment contracts and  
625 student financial aid.

626 6. Fifty percent of the net revenues generated from the  
627 online institute of the university shall be used to enhance and  
628 enrich the online institute offerings, and 50 percent of the net  
629 revenues generated from the online institute shall be used to  
630 enhance and enrich the university's campus state-of-the-art  
631 research programs and facilities.

632 7. The institute may charge additional local user fees  
633 pursuant to s. 1009.24(14) upon the approval of the Board of  
634 Governors.

635 8. The institute shall submit a proposal to the president  
636 of the university authorizing additional user fees for the  
637 provision of voluntary student participation in activities and  
638 additional student services.

639 Section 15. Paragraph (u) is added to subsection (2) of  
640 section 1003.42, Florida Statutes, to read:

641 1003.42 Required instruction.—

642 (2) Members of the instructional staff of the public  
643 schools, subject to the rules of the State Board of Education  
644 and the district school board, shall teach efficiently and  
645 faithfully, using the books and materials required that meet the  
646 highest standards for professionalism and historic accuracy,  
647 following the prescribed courses of study, and employing  
648 approved methods of instruction, the following:



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649 (u) The events surrounding the terrorist attacks occurring  
650 on September 11, 2001, and the impact of those events on the  
651 nation. This paragraph may be cited as the "Representative Clay  
652 Ford, Jr., Memorial Act."

653

654 The State Board of Education is encouraged to adopt standards  
655 and pursue assessment of the requirements of this subsection.

656 Section 16. Section 1004.084, Florida Statutes, is created  
657 to read:

658 1004.084 College affordability.—The Board of Governors and  
659 State Board of Education shall continue to identify strategies  
660 and initiatives to further ensure college affordability for all  
661 Floridians.

662 (1) Specific strategies and initiatives to reduce the cost  
663 of higher education must include, at a minimum, consideration of  
664 the following:

665 (a) The impact of tuition and fee increases at state  
666 colleges and universities, including graduate, professional,  
667 medical, and law schools.

668 (b) The total cost of fees to a student and family at a  
669 state university or a state college, including orientation fees.

670 (c) The cost of textbooks and instructional materials for  
671 all students. The Board of Governors and State Board of  
672 Education shall use the information provided pursuant to s.  
673 1004.085(5) and (6) and consult with students, faculty,  
674 bookstores, and publishers, to determine the best methods to  
675 reduce costs and must, at a minimum, consider the following:

676 1. Any existing Florida College System or State University  
677 System initiatives to reduce the cost of textbooks and



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678 instructional materials.  
679 2. Purchasing e-textbooks in bulk.  
680 3. Expanding the use of open-access textbooks and  
681 instructional materials.  
682 4. The rental options for textbook and instructional  
683 materials.  
684 5. Increasing the availability and use of affordable  
685 digital textbooks and learning objects for faculty and students.  
686 6. Supporting efficient used book sales, buy-back sales,  
687 and student-to-student sales.  
688 7. Developing online portals at each institution to assist  
689 students in buying, renting, selling, and sharing textbooks and  
690 instructional materials.  
691 8. The feasibility of expanding and enhancing digital  
692 access platforms that are used by campus stores to help students  
693 acquire the correct and least expensive required course  
694 materials.  
695 9. The cost to school districts of instructional materials  
696 for dual enrollment students.  
697 (2) By December 31, 2015, and annually thereafter, the  
698 Board of Governors and State Board of Education shall submit a  
699 report on their respective college affordability efforts, which  
700 must include recommendations, to the Governor, the President of  
701 the Senate, and the Speaker of the House of Representatives.  
702 Section 17. Section 1004.085, Florida Statutes, is amended  
703 to read:  
704 1004.085 Textbook and instructional materials  
705 affordability.—  
706 (1) As used in this section, the term "instructional



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707 materials” means educational materials, in printed or digital  
708 format, which are required or recommended for use within a  
709 course.

710 (2)(1) An ~~Ne~~ employee of a Florida College System  
711 institution or a state university may not demand or receive any  
712 payment, loan, subscription, advance, deposit of money, service,  
713 or anything of value, present or promised, in exchange for  
714 requiring students to purchase a specific textbook or  
715 instructional material for coursework or instruction.

716 (3)(2) An employee may receive:

717 (a) Sample copies, instructor copies, or instructional  
718 materials. These materials may not be sold for any type of  
719 compensation if they are specifically marked as free samples not  
720 for resale.

721 (b) Royalties or other compensation from sales of textbooks  
722 or instructional materials that include the instructor’s own  
723 writing or work.

724 (c) Honoraria for academic peer review of course materials.

725 (d) Fees associated with activities such as reviewing,  
726 critiquing, or preparing support materials for textbooks or  
727 instructional materials pursuant to guidelines adopted by the  
728 State Board of Education or the Board of Governors.

729 (e) Training in the use of course materials and learning  
730 technologies.

731 (4)(3) Each Florida College System institution ~~institutions~~  
732 and state university ~~universities~~ shall prominently post in the  
733 course registration system and on its website ~~on their websites,~~  
734 as early as is feasible, but at least 14 ~~not less than 30~~ days  
735 before ~~prior to~~ the first day of student registration ~~class~~ for



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736 each term, a hyperlink to lists ~~list~~ of ~~each textbook~~ required  
737 and recommended textbooks and instructional materials for at  
738 least 90 percent of the courses and course sections ~~each course~~  
739 offered at the institution during the upcoming term.

740 (a) These lists ~~The posted list~~ must include:

741 1. The International Standard Book Number (ISBN) for each  
742 required and recommended textbook and instructional materials.

743 2. For a textbook or instructional materials for which an  
744 ISBN is not available, ~~textbook or~~ other identifying  
745 information, which must include, at a minimum, all of the  
746 following: the title, all authors listed, publishers, edition  
747 number, copyright date, published date, and other relevant  
748 information necessary to identify the specific textbook or  
749 instructional materials ~~textbooks~~ required and recommended for  
750 each course.

751 3. The new and used retail price and the rental price, if  
752 applicable, for a required or recommended textbook or  
753 instructional materials for purchase at the institution's  
754 designated bookstore or other specified vendor, including the  
755 website or other contact information for the bookstore.

756 (b) The State Board of Education and the Board of Governors  
757 shall include in the policies, procedures, and guidelines  
758 adopted under subsection (5) ~~(4)~~ certain limited exceptions to  
759 this notification requirement for courses ~~classes~~ added after  
760 the notification deadline.

761 (c) An institution that is unable to comply with this  
762 subsection by the 2015 fall semester must provide the  
763 information required by this subsection to students, in a format  
764 determined by the institution, at least 60 days before the first



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765 day of classes. The institution must also submit a quarterly  
766 report to the State Board of Education or to the Board of  
767 Governors, as applicable, documenting the institution's efforts  
768 to comply with this subsection by the 2016 fall semester.

769 (5)(4) The State Board of Education and the Board of  
770 Governors each shall adopt textbook and instructional materials  
771 affordability policies, procedures, and guidelines for  
772 implementation by Florida College System institutions and state  
773 universities, respectively, which ~~that~~ further efforts to  
774 minimize the cost of textbooks and instructional materials for  
775 students attending such institutions, while maintaining the  
776 quality of education and academic freedom. The policies,  
777 procedures, and guidelines must, at a minimum, require ~~shall~~  
778 ~~provide for~~ the following:

779 (a) That textbook and instructional materials adoptions are  
780 made with sufficient lead time to bookstores so as to confirm  
781 availability of the requested materials and, if ~~where~~ possible,  
782 ensure maximum availability of used textbooks and instructional  
783 materials ~~books~~.

784 (b) That, in the textbook and instructional material  
785 adoption process, the intent to use all items ordered,  
786 particularly each individual item sold as part of a bundled  
787 package, is confirmed by the course instructor or the academic  
788 department offering the course before the adoption is finalized.

789 (c) That a course instructor or the academic department  
790 offering the course determine ~~determines~~, before a textbook or  
791 instructional materials are ~~is~~ adopted, the extent to which a  
792 new edition differs significantly and substantively from earlier  
793 versions and the value to the student of changing to a new



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794 edition or the extent to which an open-access textbook or  
795 instructional materials may exist and be used.

796 (d) That the establishment of policies shall address the  
797 availability of required and recommended textbooks and  
798 instructional materials to students otherwise unable to afford  
799 the cost, including consideration of the extent to which an  
800 open-access textbook or instructional materials may be used.

801 (e) That course instructors and academic departments are  
802 encouraged to participate in the development, adaptation, and  
803 review of open-access textbooks and instructional materials and,  
804 in particular, open-access textbooks and instructional materials  
805 for high-demand general education courses.

806 (f) That postsecondary institutions consult with school  
807 districts with which they have a dual enrollment articulation  
808 agreement to identify practices that impact the cost to school  
809 districts of dual enrollment textbooks and instructional  
810 materials, including, but not limited to, the length of time  
811 that textbooks and instructional materials remain in use and the  
812 costs associated with digital materials.

813 (g) That cost-benefit analyses be conducted regularly in  
814 comparing options to ensure that students receive the highest  
815 quality product at the lowest available price.

816 (6) Each Florida College System institution and each state  
817 university shall report annually to the Chancellor of the  
818 Florida College System or the Chancellor of the State University  
819 System, as applicable, the cost of undergraduate textbooks and  
820 instructional materials, by course and course section; the  
821 textbook and instructional materials selection process for high-  
822 enrollment courses as determined by the chancellors; specific



823 initiatives of the institution which reduce the cost of  
824 textbooks and instructional materials; the number of courses and  
825 course sections that were not able to meet the textbook and  
826 instructional materials posting deadline; and additional  
827 information as determined by the chancellors. Annually, by  
828 December 31, the chancellors shall compile the institution  
829 reports and submit a comprehensive report to the Governor, the  
830 President of the Senate, and the Speaker of the House of  
831 Representatives.

832 (7) Each Florida College System institution and state  
833 university shall annually send the State Board of Education or  
834 the Board of Governors, as applicable, electronic copies of its  
835 current textbook and instructional materials affordability  
836 policies and procedures. The State Board of Education and the  
837 Board of Governors shall provide a link to this information on  
838 their respective websites.

839 Section 18. Paragraph (b) of subsection (2) of section  
840 1004.92, Florida Statutes, is amended to read:

841 1004.92 Purpose and responsibilities for career education.—

842 (2)

843 (b) Department of Education accountability for career  
844 education includes, but is not limited to:

845 1. The provision of timely, accurate technical assistance  
846 to school districts and Florida College System institutions.

847 2. The provision of timely, accurate information to the  
848 State Board of Education, the Legislature, and the public.

849 3. The development of policies, rules, and procedures that  
850 facilitate institutional attainment of the accountability  
851 standards and coordinate the efforts of all divisions within the



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852 department.

853 4. The development of program standards and industry-driven  
854 benchmarks for career, adult, and community education programs,  
855 which must be updated every 3 years. The standards must include  
856 career, academic, and workplace skills; viability of distance  
857 learning for instruction; ~~and~~ work/learn cycles that are  
858 responsive to business and industry; and reflect the quality  
859 components of a career and technical education program. The  
860 State Board of Education shall adopt rules to administer this  
861 section.

862 5. Overseeing school district and Florida College System  
863 institution compliance with the provisions of this chapter.

864 6. Ensuring that the educational outcomes for the technical  
865 component of career programs are uniform and designed to provide  
866 a graduate who is capable of entering the workforce on an  
867 equally competitive basis regardless of the institution of  
868 choice.

869 Section 19. Present subsections (5) and (6) of section  
870 1006.735, Florida Statutes, are redesignated as subsections (6)  
871 and (7), respectively, and a new subsection (5) is added to that  
872 section, to read:

873 1006.735 Complete Florida Plus Program.—The Complete  
874 Florida Plus Program is created at the University of West  
875 Florida.

876 (5) RAPID RESPONSE EDUCATION AND TRAINING PROGRAM.—The  
877 Rapid Response Education and Training Program is established  
878 within the Complete Florida Plus Program. Under the Rapid  
879 Response Education and Training Program, the Complete Florida  
880 Plus Program shall work directly with Enterprise Florida, Inc.,



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881 in project-specific industry recruitment and retention efforts  
882 to offer credible education and training commitments to  
883 businesses.

884 (a) The Rapid Response Education and Training Program must:

885 1. Issue challenge grants through requests for proposals  
886 that are open to all education and training providers, public or  
887 private. These grants match state funding with education and  
888 training provider funds to implement particular education and  
889 training programs.

890 2. Generate periodic reports from an independent forensic  
891 accounting or auditing entity to ensure transparency of the  
892 program. These periodic reports must be submitted to the  
893 President of the Senate and the Speaker of the House of  
894 Representatives.

895 3. Keep administrative costs to a minimum through the use  
896 of existing organizational structures.

897 4. Work directly with businesses to recruit individuals for  
898 education and training.

899 5. Be able to terminate an education and training program  
900 by giving 30 days' notice.

901 6. Survey employers after completion of an education and  
902 training program to ascertain the effectiveness of the program.

903 (b) The Division of Career and Adult Education within the  
904 Department of Education shall conduct an analysis and assessment  
905 of the effectiveness of the education and training programs  
906 under this section in meeting labor market and occupational  
907 trends and gaps.

908 Section 20. Paragraph (d) of subsection (3) of section  
909 1009.22, Florida Statutes, is amended to read:



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910 1009.22 Workforce education postsecondary student fees.-  
911 (3)

912 (d) Each district school board and each Florida College  
913 System institution board of trustees may adopt tuition and out-  
914 of-state fees that vary ~~no more than 5 percent~~ below or no more  
915 than 5 percent above the combined total of the standard tuition  
916 and out-of-state fees established in paragraph (c).

917 Section 21. Paragraph (b) of subsection (3) and subsection  
918 (4) of section 1009.23, Florida Statutes, are amended, and  
919 subsection (20) is added to that section, to read:

920 1009.23 Florida College System institution student fees.-  
921 (3)

922 (b) ~~Effective July 1, 2014,~~ For baccalaureate degree  
923 programs, the following tuition and fee rates shall apply:

924 1. The tuition may not exceed ~~shall be~~ \$91.79 per credit  
925 hour for students who are residents for tuition purposes.

926 2. The sum of the tuition and the ~~he~~ out-of-state fee per  
927 credit hour for students who are nonresidents for tuition  
928 purposes shall be no more than 85 percent of the sum of the  
929 tuition and the out-of-state fee at the state university nearest  
930 the Florida College System institution.

931 (4) Each Florida College System institution board of  
932 trustees shall establish tuition and out-of-state fees, which  
933 may vary ~~no more than 10 percent~~ below and no more than 15  
934 percent above the combined total of the standard tuition and  
935 fees established in subsection (3).

936 (20) Each Florida College System institution shall notice  
937 to the public and to all enrolled students any board of trustees  
938 meeting that votes on proposed increases in tuition or fees. The



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939 noticed meeting must allow for public comment on the proposed  
940 increase and must:

941 (a) Be posted 28 days before the board of trustees meeting  
942 takes place.

943 (b) Include the date and time of the meeting.

944 (c) Be clear and specifically outline the details of the  
945 original tuition or fee, the rationale for the proposed  
946 increase, and what the proposed increase will fund.

947 (d) Be posted on the institution's website homepage and  
948 issued in a press release.

949 Section 22. Paragraphs (a) and (b) of subsection (4) of  
950 section 1009.24, Florida Statutes, are amended, present  
951 subsection (19) of that section is redesignated as subsection  
952 (20), and a new subsection (19) is added to that section, to  
953 read:

954 1009.24 State university student fees.-

955 (4) (a) ~~Effective July 1, 2014,~~ The resident undergraduate  
956 tuition for lower-level and upper-level coursework may not  
957 exceed ~~shall be~~ \$105.07 per credit hour.

958 (b) The Board of Governors, ~~or the board's designee,~~ may  
959 establish tuition for graduate and professional programs, and  
960 out-of-state fees for all programs. Except as otherwise provided  
961 in this section, the sum of tuition and out-of-state fees  
962 assessed to nonresident students must be sufficient to offset  
963 the full instructional cost of serving such students. However,  
964 adjustments to out-of-state fees or tuition for graduate  
965 programs and professional programs may not exceed 15 percent in  
966 any year. Adjustments to the resident tuition for graduate  
967 programs and professional programs may not exceed the tuition



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968 amount set on July 1, 2015.

969 (19) Each university shall publicly notice to the public  
970 and to all enrolled students any board of trustees meeting that  
971 votes on proposed increases in tuition or fees. The noticed  
972 meeting must allow for public comment on the proposed increase  
973 and must:

974 (a) Be posted 28 days before the board of trustees meeting  
975 takes place.

976 (b) Include the date and time of the meeting.

977 (c) Be clear and specifically outline the details of the  
978 original tuition or fee, the rationale for the proposed  
979 increase, and what the proposed increase will fund.

980 (d) Be posted on the institution's website homepage and  
981 issued in a press release.

982 Section 23. Section 1009.893, Florida Statutes, is amended  
983 to read:

984 1009.893 Benacquisto Scholarship ~~Florida National Merit~~  
985 ~~Scholar Incentive~~ Program.-

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

987 (a) "Department" means the Department of Education.

988 (b) "Scholarship Incentive program" means the Benacquisto  
989 Scholarship ~~Florida National Merit Scholar Incentive~~ Program.

990 (2) The Benacquisto Scholarship ~~Florida National Merit~~  
991 ~~Scholar Incentive~~ Program is created to reward any Florida high  
992 school graduate who receives recognition as a National Merit  
993 Scholar or National Achievement Scholar and who initially  
994 enrolls in the 2014-2015 academic year or, later, in a  
995 baccalaureate degree program at an eligible Florida public or  
996 independent postsecondary educational institution.



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997           (3) The department shall administer the scholarship  
998 ~~incentive~~ program according to rules and procedures established  
999 by the State Board of Education. The department shall advertise  
1000 the availability of the scholarship ~~incentive~~ program and notify  
1001 students, teachers, parents, certified school counselors, and  
1002 principals or other relevant school administrators of the  
1003 criteria.

1004           (4) In order to be eligible for an award under the  
1005 scholarship ~~incentive~~ program, a student must:

1006           (a) Be a state resident as determined in s. 1009.40 and  
1007 rules of the State Board of Education;

1008           (b) Earn a standard Florida high school diploma or its  
1009 equivalent pursuant to s. 1002.3105, s. 1003.4281, s. 1003.4282,  
1010 or s. 1003.435 unless:

1011           1. The student completes a home education program according  
1012 to s. 1002.41; or

1013           2. The student earns a high school diploma from a non-  
1014 Florida school while living with a parent who is on military or  
1015 public service assignment out of this state;

1016           (c) Be accepted by and enroll in a Florida public or  
1017 independent postsecondary educational institution that is  
1018 regionally accredited; and

1019           (d) Be enrolled full-time in a baccalaureate degree program  
1020 at an eligible regionally accredited Florida public or  
1021 independent postsecondary educational institution during the  
1022 fall academic term following high school graduation.

1023           (5) (a) An eligible student who is a National Merit Scholar  
1024 or National Achievement Scholar and who attends a Florida public  
1025 postsecondary educational institution shall receive a



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1026 scholarship ~~an incentive~~ award equal to the institutional cost  
1027 of attendance minus the sum of the student's Florida Bright  
1028 Futures Scholarship and National Merit Scholarship or National  
1029 Achievement Scholarship.

1030 (b) An eligible student who is a National Merit Scholar or  
1031 National Achievement Scholar and who attends a Florida  
1032 independent postsecondary educational institution shall receive  
1033 a scholarship ~~an incentive~~ award equal to the highest cost of  
1034 attendance at a Florida public university, as reported by the  
1035 Board of Governors of the State University System, minus the sum  
1036 of the student's Florida Bright Futures Scholarship and National  
1037 Merit Scholarship or National Achievement Scholarship.

1038 (6) (a) To be eligible for a renewal award, a student must  
1039 earn all credits for which he or she was enrolled and maintain a  
1040 3.0 or higher grade point average.

1041 (b) A student may receive the scholarship ~~incentive~~ award  
1042 for a maximum of 100 percent of the number of credit hours  
1043 required to complete a baccalaureate degree program, or until  
1044 completion of a baccalaureate degree program, whichever comes  
1045 first.

1046 (7) The department shall annually issue awards from the  
1047 scholarship ~~incentive~~ program. Before the registration period  
1048 each semester, the department shall transmit payment for each  
1049 award to the president or director of the postsecondary  
1050 educational institution, or his or her representative, except  
1051 that the department may withhold payment if the receiving  
1052 institution fails to report or to make refunds to the department  
1053 as required in this section.

1054 (a) Each institution shall certify to the department the



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1055 eligibility status of each student to receive a disbursement  
1056 within 30 days before the end of its regular registration  
1057 period, inclusive of a drop and add period. An institution is  
1058 not required to reevaluate the student eligibility after the end  
1059 of the drop and add period.

1060 (b) An institution that receives funds from the scholarship  
1061 ~~incentive~~ program must certify to the department the amount of  
1062 funds disbursed to each student and remit to the department any  
1063 undisbursed advances within 60 days after the end of regular  
1064 registration.

1065 (c) If funds appropriated are not adequate to provide the  
1066 maximum allowable award to each eligible student, awards must be  
1067 prorated using the same percentage reduction.

1068 (8) Funds from any award within the scholarship ~~incentive~~  
1069 program may not be used to pay for remedial coursework or  
1070 developmental education.

1071 (9) A student may use an award for a summer term if funds  
1072 are available and appropriated by the Legislature.

1073 (10) The department shall allocate funds to the appropriate  
1074 institutions and collect and maintain data regarding the  
1075 scholarship ~~incentive~~ program within the student financial  
1076 assistance database as specified in s. 1009.94.

1077 (11) Section 1009.40(4) does not apply to awards issued  
1078 under this section.

1079 (12) A student who receives an award under the scholarship  
1080 program shall be known as a Benacquisto Scholar.

1081 (13) ~~(12)~~ The State Board of Education shall adopt rules  
1082 necessary to administer this section.

1083 Section 24. Paragraphs (f) and (o) of subsection (1),



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1084 paragraph (a) of subsection (4), subsection (5), paragraph (b)  
1085 of subsection (7), paragraph (a) of subsection (9), subsection  
1086 (11), paragraphs (b) through (e) of subsection (12), and present  
1087 subsection (13) of section 1011.62, Florida Statutes, are  
1088 amended, present subsections (13), (14), and (15) of that  
1089 section are redesignated as subsections (14), (15), and (16),  
1090 respectively, and a new subsection (13) is added to that  
1091 section, to read:

1092       1011.62 Funds for operation of schools.—If the annual  
1093 allocation from the Florida Education Finance Program to each  
1094 district for operation of schools is not determined in the  
1095 annual appropriations act or the substantive bill implementing  
1096 the annual appropriations act, it shall be determined as  
1097 follows:

1098       (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
1099 OPERATION.—The following procedure shall be followed in  
1100 determining the annual allocation to each district for  
1101 operation:

1102       (f) *Supplemental academic instruction; categorical fund.*—

1103       1. There is created a categorical fund to provide  
1104 supplemental academic instruction to students in kindergarten  
1105 through grade 12. This paragraph may be cited as the  
1106 “Supplemental Academic Instruction Categorical Fund.”

1107       2. Categorical funds for supplemental academic instruction  
1108 shall be allocated annually to each school district in the  
1109 amount provided in the General Appropriations Act. These funds  
1110 shall be in addition to the funds appropriated on the basis of  
1111 FTE student membership in the Florida Education Finance Program  
1112 and shall be included in the total potential funds of each



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1113 district. These funds shall be used to provide supplemental  
1114 academic instruction to students enrolled in the K-12 program.  
1115 For the 2014-2015, 2015-2016, 2016-2017, and 2017-2018 fiscal  
1116 years year, each school district that has one or more of the 300  
1117 lowest-performing elementary schools based on the state reading  
1118 assessment shall use these funds, together with the funds  
1119 provided in the district's research-based reading instruction  
1120 allocation and other available funds, to provide an additional  
1121 hour of instruction beyond the normal school day for each day of  
1122 the entire school year, and to provide the equivalent hours of  
1123 instruction in a summer program, for intensive reading  
1124 instruction for the students in each of these schools. If a  
1125 participating school is no longer classified as one of the 300  
1126 lowest-performing elementary schools in the subsequent year, the  
1127 school must continue to provide the additional hour of intensive  
1128 reading instruction to all students who have Level 1 or Level 2  
1129 reading assessment scores. This additional hour of instruction  
1130 must be provided by teachers or reading specialists who are  
1131 effective in teaching reading or by a K-5 mentoring reading  
1132 program that is supervised by a teacher who is effective at  
1133 teaching reading. Students enrolled in these schools who have  
1134 level 5 assessment scores may participate in the additional hour  
1135 of instruction on an optional basis. Exceptional student  
1136 education centers may ~~shall~~ not be included in the 300 schools.  
1137 After this requirement has been met, supplemental instruction  
1138 strategies may include, but are not limited to: modified  
1139 curriculum, reading instruction, after-school instruction,  
1140 tutoring, mentoring, class size reduction, extended school year,  
1141 intensive skills development in summer school, and other methods



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1142 for improving student achievement. Supplemental instruction may  
1143 be provided to a student in any manner and at any time during or  
1144 beyond the regular 180-day term identified by the school as  
1145 being the most effective and efficient way to best help that  
1146 student progress from grade to grade and to graduate.

1147 3. Effective with the 1999-2000 fiscal year, funding on the  
1148 basis of FTE membership beyond the 180-day regular term shall be  
1149 provided in the FEFP only for students enrolled in juvenile  
1150 justice education programs or in education programs for  
1151 juveniles placed in secure facilities or programs under s.  
1152 985.19. Funding for instruction beyond the regular 180-day  
1153 school year for all other K-12 students shall be provided  
1154 through the supplemental academic instruction categorical fund  
1155 and other state, federal, and local fund sources with ample  
1156 flexibility for schools to provide supplemental instruction to  
1157 assist students in progressing from grade to grade and  
1158 graduating.

1159 4. The Florida State University School, as a lab school, is  
1160 authorized to expend from its FEFP or Lottery Enhancement Trust  
1161 Fund allocation the cost to the student of remediation in  
1162 reading, writing, or mathematics for any graduate who requires  
1163 remediation at a postsecondary educational institution.

1164 5. Beginning in the 1999-2000 school year, dropout  
1165 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),  
1166 (b), and (c), and 1003.54 shall be included in group 1 programs  
1167 under subparagraph (d)3.

1168 (o) *Calculation of additional full-time equivalent*  
1169 *membership based on successful completion of a career-themed*  
1170 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*



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1171 *courses with embedded CAPE industry certifications or CAPE*  
1172 *Digital Tool certificates, and issuance of industry*  
1173 *certification identified on the CAPE Industry Certification*  
1174 *Funding List pursuant to rules adopted by the State Board of*  
1175 *Education or CAPE Digital Tool certificates pursuant to s.*  
1176 *1003.4203.—*

1177       1.a. A value of 0.025 full-time equivalent student  
1178 membership shall be calculated for CAPE Digital Tool  
1179 certificates earned by students in elementary and middle school  
1180 grades.

1181       b. A value of 0.1 or 0.2 full-time equivalent student  
1182 membership shall be calculated for each student who completes a  
1183 course as defined in s. 1003.493(1)(b) or courses with embedded  
1184 CAPE industry certifications and who is issued an industry  
1185 certification identified annually on the CAPE Industry  
1186 Certification Funding List approved under rules adopted by the  
1187 State Board of Education. A value of 0.2 full-time equivalent  
1188 membership shall be calculated for each student who is issued a  
1189 CAPE industry certification that has a statewide articulation  
1190 agreement for college credit approved by the State Board of  
1191 Education. For CAPE industry certifications that do not  
1192 articulate for college credit, the Department of Education shall  
1193 assign a full-time equivalent value of 0.1 for each  
1194 certification. Middle grades students who earn additional FTE  
1195 membership for a CAPE Digital Tool certificate pursuant to sub-  
1196 subparagraph a. may not use the previously funded examination to  
1197 satisfy the requirements for earning an industry certification  
1198 under this sub-subparagraph. Additional FTE membership for an  
1199 elementary or middle grades student may ~~shall~~ not exceed 0.1 for



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1200 certificates or certifications earned within the same fiscal  
1201 year. The State Board of Education shall include the assigned  
1202 values on the CAPE Industry Certification Funding List under  
1203 rules adopted by the state board. Such value shall be added to  
1204 the total full-time equivalent student membership for grades 6  
1205 through 12 in the subsequent year ~~for courses that were not~~  
1206 ~~provided through dual enrollment~~. CAPE industry certifications  
1207 earned through dual enrollment must be reported and funded  
1208 pursuant to s. 1011.80. However, if a student earns a  
1209 certification through a dual enrollment course and the  
1210 certification is not a fundable certification on the  
1211 postsecondary certification funding list, or the dual enrollment  
1212 certification is earned as a result of an agreement between a  
1213 school district and a nonpublic postsecondary institution, the  
1214 bonus value shall be funded in the same manner as for other  
1215 nondual enrollment course industry certifications. In such  
1216 cases, the school district may provide for an agreement between  
1217 the high school and the technical center, or the school district  
1218 and the postsecondary institution may enter into an agreement  
1219 for equitable distribution of the bonus funds.

1220 c. A value of 0.3 full-time equivalent student membership  
1221 shall be calculated for student completion of the courses and  
1222 the embedded certifications identified on the CAPE Industry  
1223 Certification Funding List and approved by the commissioner  
1224 pursuant to ss. 1003.4203(5) (a) and 1008.44.

1225 d. A value of 0.5 full-time equivalent student membership  
1226 shall be calculated for CAPE Acceleration Industry  
1227 Certifications that articulate for 15 to 29 college credit  
1228 hours, and 1.0 full-time equivalent student membership shall be



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1229 calculated for CAPE Acceleration Industry Certifications that  
1230 articulate for 30 or more college credit hours pursuant to CAPE  
1231 Acceleration Industry Certifications approved by the  
1232 commissioner pursuant to ss. 1003.4203(5)(b) and 1008.44.

1233 2. Each district must allocate at least 80 percent of the  
1234 funds provided for CAPE industry certification, in accordance  
1235 with this paragraph, to the program that generated the funds.  
1236 This allocation may not be used to supplant funds provided for  
1237 basic operation of the program.

1238 3. For CAPE industry certifications earned in the 2013-2014  
1239 school year and in subsequent years, the school district shall  
1240 distribute to each classroom teacher who provided direct  
1241 instruction toward the attainment of a CAPE industry  
1242 certification that qualified for additional full-time equivalent  
1243 membership under subparagraph 1.:

1244 a. A bonus ~~in the amount~~ of \$25 for each student taught by  
1245 a teacher who provided instruction in a course that led to the  
1246 attainment of a CAPE industry certification on the CAPE Industry  
1247 Certification Funding List with a weight of 0.1.

1248 b. A bonus ~~in the amount~~ of \$50 for each student taught by  
1249 a teacher who provided instruction in a course that led to the  
1250 attainment of a CAPE industry certification on the CAPE Industry  
1251 Certification Funding List with a weight of ~~0.2, 0.3, 0.5, and~~  
1252 ~~1.0~~.

1253 c. A bonus of \$75 for each student taught by a teacher who  
1254 provided instruction in a course that led to the attainment of a  
1255 CAPE industry certification on the CAPE Industry Certification  
1256 Funding List with a weight of 0.3.

1257 d. A bonus of \$100 for each student taught by a teacher who



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1258 provided instruction in a course that led to the attainment of a  
1259 CAPE industry certification on the CAPE Industry Certification  
1260 Funding List with a weight of 0.5 or 1.0.

1261  
1262 Bonuses awarded pursuant to this paragraph shall be provided to  
1263 teachers who are employed by the district in the year in which  
1264 the additional FTE membership calculation is included in the  
1265 calculation. Bonuses shall be calculated based upon the  
1266 associated weight of a CAPE industry certification on the CAPE  
1267 Industry Certification Funding List for the year in which the  
1268 certification is earned by the student. In a single school year,  
1269 a ~~Any~~ bonus awarded to a teacher under sub-subparagraph 3.a. or  
1270 sub-subparagraph 3.b. ~~this paragraph~~ may not exceed \$2,000 or  
1271 under sub-subparagraph 3.c. or sub-subparagraph 3.d. may not  
1272 exceed \$4,000. The maximum bonus that may be awarded to a  
1273 teacher under this paragraph is \$4,000 in a single school year.  
1274 This bonus in any given school year and is in addition to any  
1275 regular wage or other bonus the teacher received or is scheduled  
1276 to receive.

1277 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The  
1278 Legislature shall prescribe the aggregate required local effort  
1279 for all school districts collectively as an item in the General  
1280 Appropriations Act for each fiscal year. The amount that each  
1281 district shall provide annually toward the cost of the Florida  
1282 Education Finance Program for kindergarten through grade 12  
1283 programs shall be calculated as follows:

1284 (a) *Estimated taxable value calculations.*—

1285 1.a. Not later than 2 working days prior to July 19, the  
1286 Department of Revenue shall certify to the Commissioner of



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1287 Education its most recent estimate of the taxable value for  
1288 school purposes in each school district and the total for all  
1289 school districts in the state for the current calendar year  
1290 based on the latest available data obtained from the local  
1291 property appraisers. The value certified shall be the taxable  
1292 value for school purposes for that year, and no further  
1293 adjustments shall be made, except those made pursuant to  
1294 paragraphs (c) and (d), or an assessment roll change required by  
1295 final judicial decisions as specified in paragraph (15) (b)  
1296 ~~(14) (b)~~. Not later than July 19, the Commissioner of Education  
1297 shall compute a millage rate, rounded to the next highest one  
1298 one-thousandth of a mill, which, when applied to 96 percent of  
1299 the estimated state total taxable value for school purposes,  
1300 would generate the prescribed aggregate required local effort  
1301 for that year for all districts. The Commissioner of Education  
1302 shall certify to each district school board the millage rate,  
1303 computed as prescribed in this subparagraph, as the minimum  
1304 millage rate necessary to provide the district required local  
1305 effort for that year.

1306       b. The General Appropriations Act shall direct the  
1307 computation of the statewide adjusted aggregate amount for  
1308 required local effort for all school districts collectively from  
1309 ad valorem taxes to ensure that no school district's revenue  
1310 from required local effort millage will produce more than 90  
1311 percent of the district's total Florida Education Finance  
1312 Program calculation as calculated and adopted by the  
1313 Legislature, and the adjustment of the required local effort  
1314 millage rate of each district that produces more than 90 percent  
1315 of its total Florida Education Finance Program entitlement to a



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1316 level that will produce only 90 percent of its total Florida  
1317 Education Finance Program entitlement in the July calculation.

1318 2. On the same date as the certification in sub-  
1319 subparagraph 1.a., the Department of Revenue shall certify to  
1320 the Commissioner of Education for each district:

1321 a. Each year for which the property appraiser has certified  
1322 the taxable value pursuant to s. 193.122(2) or (3), if  
1323 applicable, since the prior certification under sub-subparagraph  
1324 1.a.

1325 b. For each year identified in sub-subparagraph a., the  
1326 taxable value certified by the appraiser pursuant to s.  
1327 193.122(2) or (3), if applicable, since the prior certification  
1328 under sub-subparagraph 1.a. This is the certification that  
1329 reflects all final administrative actions of the value  
1330 adjustment board.

1331 (5) DISCRETIONARY MILLAGE COMPRESSION SUPPLEMENT.—The  
1332 Legislature shall prescribe in the General Appropriations Act,  
1333 pursuant to s. 1011.71(1), the rate of nonvoted current  
1334 operating discretionary millage that shall be used to calculate  
1335 a discretionary millage compression supplement. If the  
1336 prescribed millage generates an amount of funds per unweighted  
1337 FTE for the district that is less than 105 percent of the state  
1338 average, the district shall receive an amount per FTE that, when  
1339 added to the funds per FTE generated by the designated levy,  
1340 shall equal 105 percent of the state average.

1341 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

1342 (b) The district sparsity index shall be computed by  
1343 dividing the total number of full-time equivalent students in  
1344 all programs in the district by the number of senior high school



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1345 centers in the district, not in excess of three, which centers  
1346 are approved as permanent centers by a survey made by the  
1347 Department of Education. For districts with a full-time  
1348 equivalent student membership of at least 20,000, but no more  
1349 than 24,000, the index shall be computed by dividing the total  
1350 number of full-time equivalent students in all programs by the  
1351 number of permanent senior high school centers in the district,  
1352 not to exceed four.

1353 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

1354 (a) The research-based reading instruction allocation is  
1355 created to provide comprehensive reading instruction to students  
1356 in kindergarten through grade 12. For the 2014-2015, 2015-2016,  
1357 2016-2017, and 2017-2018 fiscal years ~~year~~, in each school  
1358 district that has one or more of the 300 lowest-performing  
1359 elementary schools based on the state reading assessment,  
1360 priority shall be given to providing an additional hour per day  
1361 of intensive reading instruction beyond the normal school day  
1362 for each day of the entire school year, and to providing the  
1363 equivalent hours of instruction in a summer program, for the  
1364 students in each school. If a participating school is no longer  
1365 classified as one of the 300 lowest-performing elementary  
1366 schools in the subsequent year, the school must continue to  
1367 provide the additional hour of intensive reading instruction to  
1368 all students who have Level 1 or Level 2 reading assessment  
1369 scores. Students enrolled in these schools who have level 5  
1370 assessment scores may participate in the additional hour of  
1371 instruction on an optional basis. Exceptional student education  
1372 centers may ~~shall~~ not be included in the 300 schools. The  
1373 intensive reading instruction delivered in this additional hour



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1374 and for other students shall include: research-based reading  
1375 instruction that has been proven to accelerate progress of  
1376 students exhibiting a reading deficiency; differentiated  
1377 instruction based on student assessment data to meet students'  
1378 specific reading needs; explicit and systematic reading  
1379 development in phonemic awareness, phonics, fluency, vocabulary,  
1380 and comprehension, with more extensive opportunities for guided  
1381 practice, error correction, and feedback; and the integration of  
1382 social studies, science, and mathematics-text reading, text  
1383 discussion, and writing in response to reading. ~~For the 2012-~~  
1384 ~~2013 and 2013-2014 fiscal years, a school district may not hire~~  
1385 ~~more reading coaches than were hired during the 2011-2012 fiscal~~  
1386 ~~year unless all students in kindergarten through grade 5 who~~  
1387 ~~demonstrate a reading deficiency, as determined by district and~~  
1388 ~~state assessments, including students scoring Level 1 or Level 2~~  
1389 ~~on the statewide, standardized reading assessment or, upon~~  
1390 ~~implementation, the English Language Arts assessment, are~~  
1391 ~~provided an additional hour per day of intensive reading~~  
1392 ~~instruction beyond the normal school day for each day of the~~  
1393 ~~entire school year.~~

1394 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may  
1395 annually provide in the Florida Education Finance Program a  
1396 virtual education contribution. The amount of the virtual  
1397 education contribution shall be the difference between the  
1398 amount per FTE established in the General Appropriations Act for  
1399 virtual education and the amount per FTE for each district and  
1400 the Florida Virtual School, which may be calculated by taking  
1401 the sum of the base FEFP allocation, the declining enrollment  
1402 supplement, the discretionary local effort, the state-funded



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1403 discretionary contribution, the discretionary millage  
1404 compression supplement, the research-based reading instruction  
1405 allocation, the exceptional student education guaranteed  
1406 allocation, and the instructional materials allocation, and then  
1407 dividing by the total unweighted FTE. This difference shall be  
1408 multiplied by the virtual education unweighted FTE for programs  
1409 and options identified in s. 1002.455(3) and the Florida Virtual  
1410 School and its franchises to equal the virtual education  
1411 contribution and shall be included as a separate allocation in  
1412 the funding formula.

1413 (12) FLORIDA DIGITAL CLASSROOMS ALLOCATION.—

1414 (b) Each district school board shall adopt a district  
1415 digital classrooms plan that meets the unique needs of students,  
1416 schools, and personnel and submit the plan for approval to the  
1417 Department of Education. In addition, each district school board  
1418 must, at a minimum, seek input from the district's  
1419 instructional, curriculum, and information technology staff to  
1420 develop the district digital classrooms plan. The district's  
1421 plan must be within the general parameters established in the  
1422 Florida digital classrooms plan pursuant to s. 1001.20. In  
1423 addition, if the district participates in federal technology  
1424 initiatives and grant programs, the district digital classrooms  
1425 plan must include a plan for meeting requirements of such  
1426 initiatives and grant programs. Funds allocated under this  
1427 subsection must be used to support implementation of district  
1428 digital classrooms plans. By August ~~October 1, 2014,~~ and by  
1429 ~~March~~ 1 of each year thereafter, on a date determined by the  
1430 department, each district school board shall submit to the  
1431 department, in a format prescribed by the department, a digital



1432 classrooms plan. At a minimum, such plan must include, and be  
1433 annually updated to reflect, the following:

1434       1. Measurable student performance outcomes. Outcomes  
1435 related to student performance, including outcomes for students  
1436 with disabilities, must be tied to the efforts and strategies to  
1437 improve outcomes related to student performance by integrating  
1438 technology in classroom teaching and learning. Results of the  
1439 outcomes shall be reported at least annually for the current  
1440 school year and subsequent 3 years and be accompanied by an  
1441 independent evaluation and validation of the reported results.

1442       2. Digital learning and technology infrastructure purchases  
1443 and operational activities. Such purchases and activities must  
1444 be tied to the measurable outcomes under subparagraph 1.,  
1445 including, but not limited to, connectivity, broadband access,  
1446 wireless capacity, Internet speed, and data security, all of  
1447 which must meet or exceed minimum requirements and protocols  
1448 established by the department. For each year that the district  
1449 uses funds for infrastructure, a third-party, independent  
1450 evaluation of the district's technology inventory and  
1451 infrastructure needs must accompany the district's plan.

1452       3. Professional development purchases and operational  
1453 activities. Such purchases and activities must be tied to the  
1454 measurable outcomes under subparagraph 1., including, but not  
1455 limited to, using technology in the classroom and improving  
1456 digital literacy and competency.

1457       4. Digital tool purchases and operational activities. Such  
1458 purchases and activities must be tied to the measurable outcomes  
1459 under subparagraph 1., including, but not limited to,  
1460 competency-based credentials that measure and demonstrate



1461 digital competency and certifications; third-party assessments  
1462 that demonstrate acquired knowledge and use of digital  
1463 applications; and devices that meet or exceed minimum  
1464 requirements and protocols established by the department.

1465         5. Online assessment-related purchases and operational  
1466 activities. Such purchases and activities must be tied to the  
1467 measurable outcomes under subparagraph 1., including, but not  
1468 limited to, expanding the capacity to administer assessments and  
1469 compatibility with minimum assessment protocols and requirements  
1470 established by the department. If the administration of online  
1471 assessments after January 1, 2015, does not comply with the  
1472 minimum assessment protocols and requirements established by the  
1473 department, the department shall contract with an independent  
1474 auditing entity that has expertise in the area of the  
1475 noncompliance to evaluate the extent of the noncompliance and  
1476 provide recommendations to remediate the noncompliance in future  
1477 administrations of online assessments.

1478         (c) The Legislature shall annually provide in the General  
1479 Appropriations Act the FEFP allocation for implementation of the  
1480 Florida digital classrooms plan to be calculated in an amount up  
1481 to 1 percent of the base student allocation multiplied by the  
1482 total K-12 full-time equivalent student enrollment included in  
1483 the FEFP calculations for the legislative appropriation or as  
1484 provided in the General Appropriations Act. Each school district  
1485 shall be provided a minimum of \$250,000, with the remaining  
1486 balance of the allocation to be distributed based on each  
1487 district's proportion of the total K-12 full-time equivalent  
1488 student enrollment. Distribution of funds for the Florida  
1489 digital classrooms allocation shall begin following submittal of



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1490 each district's digital classrooms plan, which must include  
1491 formal verification of the superintendent's approval of the  
1492 digital classrooms plan of each charter school in the district,  
1493 and approval of the plan by the department. A charter school  
1494 shall submit the school's digital classrooms plan, in a  
1495 streamlined format prescribed by the department, to the  
1496 applicable school district. Prior to the distribution of the  
1497 Florida digital classrooms allocation funds, each district  
1498 school superintendent shall certify to the Commissioner of  
1499 Education that the district school board has approved a  
1500 comprehensive district digital classrooms plan that supports the  
1501 fidelity of implementation of the Florida digital classrooms  
1502 allocation. District allocations shall be recalculated during  
1503 the fiscal year consistent with the periodic recalculation of  
1504 the FEFP. School districts shall provide a proportionate share  
1505 of the digital classrooms allocation to each charter school in  
1506 the district, as required for categorical programs in s.  
1507 1002.33(17)(b). A school district may use a competitive process  
1508 to distribute funds for the Florida digital classrooms  
1509 allocation to the schools within the school district. Beginning  
1510 in the 2016-2017 school year, to be eligible to receive Florida  
1511 digital classrooms allocation funds, a school district must  
1512 undergo an annual assessment pursuant to s. 282.0052 and an  
1513 annual independent verification of its use of Florida digital  
1514 classrooms allocation funds pursuant to paragraph (e).

1515 (d) To facilitate the implementation of the district  
1516 digital classrooms plans and charter school digital classrooms  
1517 plans, the commissioner shall support statewide, coordinated  
1518 partnerships and efforts of this state's education practitioners



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1519 in the field, including, but not limited to, superintendents,  
1520 principals, and teachers, to identify and share best practices,  
1521 corrective actions, and other identified needs. By August 1,  
1522 2016, the commissioner shall implement an online, web-based  
1523 portal for school districts and charter schools to submit their  
1524 digital classrooms plan.

1525 (e) Beginning in the 2015-2016 fiscal year and each year  
1526 thereafter, each district school board and charter school shall  
1527 report to the department its use of funds provided through the  
1528 Florida digital classrooms allocation and student performance  
1529 outcomes in accordance with the district's digital classrooms  
1530 plan. The department may contract with an independent third-  
1531 party entity to conduct an annual independent verification of  
1532 the district's use of Florida digital classrooms allocation  
1533 funds in accordance with the district's digital classrooms plan.  
1534 In the event an independent third-party verification is not  
1535 conducted, the Auditor General shall, during scheduled  
1536 operational audits of the school districts, verify compliance of  
1537 the use of Florida digital classrooms allocation funds in  
1538 accordance with the district's digital classrooms plan. No later  
1539 than October 1 of each year, beginning in the 2015-2016 fiscal  
1540 year, the commissioner shall provide to the Governor, the  
1541 President of the Senate, and the Speaker of the House of  
1542 Representatives a summary of each district's student performance  
1543 goals and outcomes, use of funds, in support of such student  
1544 performance goals and outcomes, and progress toward meeting  
1545 statutory requirements and timelines.

1546 (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally  
1547 connected student supplement is created to provide supplemental



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1548 funding for school districts to support the education of  
1549 students connected with federally owned military installations,  
1550 National Aeronautics and Space Administration (NASA) property,  
1551 and Indian lands. To be eligible for this supplement, the  
1552 district must be eligible for federal Impact Aid Program funds  
1553 under s. 8003, Title VIII of the Elementary and Secondary  
1554 Education Act of 1965. The supplement shall be the sum of the  
1555 student allocation and an exempt property allocation.

1556 (a) The student allocation shall be calculated based on the  
1557 number of students reported for federal Impact Aid Program  
1558 funds, including students with disabilities, who meet one of the  
1559 following criteria:

1560 1. Resides with a parent who is on active duty in the  
1561 uniformed services or is an accredited foreign government  
1562 official and military officer. Students with disabilities shall  
1563 also be reported separately for this condition.

1564 2. Resides on eligible federally owned Indian lands.  
1565 Students with disabilities shall also be reported separately for  
1566 this condition.

1567 3. Resides with a civilian parent who lives or works on  
1568 eligible federal property connected with a military installation  
1569 or NASA. The number of these students shall be multiplied by a  
1570 factor of 0.5.

1571 (b) The total number of federally connected students  
1572 calculated under paragraph (a) shall be multiplied by a  
1573 percentage of the base student allocation as provided in the  
1574 General Appropriations Act. The total of the number of students  
1575 with disabilities as reported separately under subparagraphs  
1576 (a)1. and (a)2. shall be multiplied by an additional percentage



1577 of the base student allocation as provided in the General  
1578 Appropriations Act. The base amount and the amount for students  
1579 with disabilities shall be summed to provide the student  
1580 allocation.

1581 (c) The exempt-property allocation shall be equal to the  
1582 tax-exempt value of federal Impact Aid lands reserved as  
1583 military installations, real property owned by NASA, or eligible  
1584 federally owned Indian lands located in the district, as of  
1585 January 1 of the previous year, multiplied by the millage  
1586 authorized and levied under s. 1011.71(2).

1587 (14)-(13) QUALITY ASSURANCE GUARANTEE.—The Legislature may  
1588 annually in the General Appropriations Act determine a  
1589 percentage increase in funds per K-12 unweighted FTE as a  
1590 minimum guarantee to each school district. The guarantee shall  
1591 be calculated from prior year base funding per unweighted FTE  
1592 student which shall include the adjusted FTE dollars as provided  
1593 in subsection (15)-(14), quality guarantee funds, and actual  
1594 nonvoted discretionary local effort from taxes. From the base  
1595 funding per unweighted FTE, the increase shall be calculated for  
1596 the current year. The current year funds from which the  
1597 guarantee shall be determined shall include the adjusted FTE  
1598 dollars as provided in subsection (15)-(14) and potential  
1599 nonvoted discretionary local effort from taxes. A comparison of  
1600 current year funds per unweighted FTE to prior year funds per  
1601 unweighted FTE shall be computed. For those school districts  
1602 which have less than the legislatively assigned percentage  
1603 increase, funds shall be provided to guarantee the assigned  
1604 percentage increase in funds per unweighted FTE student. Should  
1605 appropriated funds be less than the sum of this calculated



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1606 amount for all districts, the commissioner shall prorate each  
1607 district's allocation. This provision shall be implemented to  
1608 the extent specifically funded.

1609 Section 25. Subsection (1) and paragraph (d) of subsection  
1610 (2) of section 1011.71, Florida Statutes, are amended to read:

1611 1011.71 District school tax.—

1612 (1) If the district school tax is not provided in the  
1613 General Appropriations Act or the substantive bill implementing  
1614 the General Appropriations Act, each district school board  
1615 desiring to participate in the state allocation of funds for  
1616 current operation as prescribed by s. 1011.62(15) ~~s. 1011.62(14)~~  
1617 shall levy on the taxable value for school purposes of the  
1618 district, exclusive of millage voted under the provisions of s.  
1619 9(b) or s. 12, Art. VII of the State Constitution, a millage  
1620 rate not to exceed the amount certified by the commissioner as  
1621 the minimum millage rate necessary to provide the district  
1622 required local effort for the current year, pursuant to s.  
1623 1011.62(4)(a)1. In addition to the required local effort millage  
1624 levy, each district school board may levy a nonvoted current  
1625 operating discretionary millage. The Legislature shall prescribe  
1626 annually in the appropriations act the maximum amount of millage  
1627 a district may levy.

1628 (2) In addition to the maximum millage levy as provided in  
1629 subsection (1), each school board may levy not more than 1.5  
1630 mills against the taxable value for school purposes for district  
1631 schools, including charter schools at the discretion of the  
1632 school board, to fund:

1633 (d) The purchase, lease-purchase, or lease of new and  
1634 replacement equipment; computer hardware, including electronic



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1635 hardware and other hardware devices necessary for gaining access  
1636 to or enhancing the use of electronic content and resources or  
1637 to facilitate the access to and the use of a school district's  
1638 digital classrooms plan pursuant to s. 1011.62, excluding  
1639 software other than the operating system necessary to operate  
1640 the hardware or device; and enterprise resource software  
1641 applications that are classified as capital assets in accordance  
1642 with definitions of the Governmental Accounting Standards Board,  
1643 have a useful life of at least 5 years, and are used to support  
1644 districtwide administration or state-mandated reporting  
1645 requirements. Enterprise resource software may be acquired by  
1646 annual license fees, maintenance fees, or lease agreements.

1647 Section 26. Section 1011.802, Florida Statutes, is created  
1648 to read:

1649 1011.802 Florida Apprenticeship Grant (FLAG) Program.—

1650 (1) The Florida Apprenticeship Grant Program is created to  
1651 provide grants, as provided in the General Appropriations Act,  
1652 to career centers, charter technical career centers, and Florida  
1653 College System institutions on a competitive basis to establish  
1654 new apprenticeship programs and expand existing apprenticeship  
1655 programs. The Division of Career and Adult Education within the  
1656 Department of Education shall administer the grant program.

1657 (2) Applications from career centers, charter technical  
1658 career centers, and Florida College System institutions must  
1659 contain projected enrollment and projected costs for the new or  
1660 expanded apprenticeship program.

1661 (3) The department shall give priority to apprenticeship  
1662 programs in the areas of information technology, health, and  
1663 machining and manufacturing. Grant funds may be used for



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1664 instructional equipment, supplies, personnel, student services,  
1665 and other expenses associated with the creation or expansion of  
1666 an apprenticeship program. Grant funds may not be used for  
1667 recurring instructional costs or for a center's or an  
1668 institution's indirect costs. Grant recipients must submit  
1669 quarterly reports in a format prescribed by the department.

1670 Section 27. Paragraph (e) is added to subsection (3) of  
1671 section 1012.34, Florida Statutes, to read:

1672 1012.34 Personnel evaluation procedures and criteria.—

1673 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional  
1674 personnel and school administrator performance evaluations must  
1675 be based upon the performance of students assigned to their  
1676 classrooms or schools, as provided in this section. Pursuant to  
1677 this section, a school district's performance evaluation is not  
1678 limited to basing unsatisfactory performance of instructional  
1679 personnel and school administrators solely upon student  
1680 performance, but may include other criteria approved to evaluate  
1681 instructional personnel and school administrators' performance,  
1682 or any combination of student performance and other approved  
1683 criteria. Evaluation procedures and criteria must comply with,  
1684 but are not limited to, the following:

1685 (e) A classroom teacher's performance evaluation must be  
1686 based upon the performance of students with fewer than 25  
1687 absences within the school year, or, for schools with block  
1688 scheduling, fewer than 10 absences within the school year,  
1689 assigned to their classrooms, as provided in this section.

1690 Section 28. Subsection (4) is added to section 1012.3401,  
1691 Florida Statutes, to read:

1692 1012.3401 Requirements for measuring student performance in



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1693 instructional personnel and school administrator performance  
1694 evaluations; performance evaluation of personnel for purposes of  
1695 performance salary schedule.—Notwithstanding any provision to  
1696 the contrary in ss. 1012.22 and 1012.34 regarding the  
1697 performance salary schedule and personnel evaluation procedures  
1698 and criteria:

1699 (4) A classroom teacher's performance evaluation must be  
1700 based upon the performance of students with fewer than 25  
1701 absences within the school year, or, for schools with block  
1702 scheduling, fewer than 10 absences within the school year,  
1703 assigned to their classrooms.

1704 Section 29. Subsection (3) of section 1012.39, Florida  
1705 Statutes, is amended to read:

1706 1012.39 Employment of substitute teachers, teachers of  
1707 adult education, nondegreed teachers of career education, and  
1708 career specialists; students performing clinical field  
1709 experience.—

1710 (3) A student who is enrolled in a state-approved teacher  
1711 preparation program in a postsecondary educational institution  
1712 that is approved by rules of the State Board of Education and  
1713 who is jointly assigned by the postsecondary educational  
1714 institution and a district school board to perform a clinical  
1715 field experience under the direction of a regularly employed and  
1716 certified educator shall, while serving such supervised clinical  
1717 field experience, be accorded the same protection of law as that  
1718 accorded to the certified educator except for the right to  
1719 bargain collectively as an employee of the district school  
1720 board. The district school board providing the clinical field  
1721 experience shall notify the student electronically or in writing



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1722 of the availability of educator liability insurance under s.  
1723 1012.75. A postsecondary educational institution or district  
1724 school board may not require a student enrolled in a state-  
1725 approved teacher preparation program to purchase liability  
1726 insurance as a condition of participation in any clinical field  
1727 experience or related activity on the premises of an elementary  
1728 or secondary school.

1729 Section 30. Subsections (4), (5), and (6) of section  
1730 1012.71, Florida Statutes, are amended to read:

1731 1012.71 The Florida Teachers Classroom Supply Assistance  
1732 Program.—

1733 (4) Each classroom teacher must provide the school district  
1734 with receipts for the expenditure of the funds. If the classroom  
1735 teacher is provided funds in advance of expenditure, the ~~Each~~  
1736 classroom teacher must sign a statement acknowledging receipt of  
1737 the funds, provide ~~keep~~ receipts as requested by the school  
1738 district ~~for no less than 4 years~~ to show that funds expended  
1739 meet the requirements of this section, and return any unused  
1740 funds to the district school board by ~~at~~ the end of the regular  
1741 school year. Any unused funds that are returned to the district  
1742 school board shall be deposited into the school advisory council  
1743 account of the school at which the classroom teacher returning  
1744 the funds was employed when that teacher received the funds or  
1745 deposited into the Florida Teachers Classroom Supply Assistance  
1746 Program account of the school district in which a charter school  
1747 is sponsored, as applicable.

1748 ~~(5) The statement must be signed and dated by each~~  
1749 ~~classroom teacher before receipt of the Florida Teachers~~  
1750 ~~Classroom Supply Assistance Program funds and shall include the~~



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1751 ~~wording: "I, ... (name of teacher) ..., am employed by the~~  
1752 ~~... County District School Board or by the ... Charter School as~~  
1753 ~~a full-time classroom teacher. I acknowledge that Florida~~  
1754 ~~Teachers Classroom Supply Assistance Program funds are~~  
1755 ~~appropriated by the Legislature for the sole purpose of~~  
1756 ~~purchasing classroom materials and supplies to be used in the~~  
1757 ~~instruction of students assigned to me. In accepting custody of~~  
1758 ~~these funds, I agree to keep the receipts for all expenditures~~  
1759 ~~for no less than 4 years. I understand that if I do not keep the~~  
1760 ~~receipts, it will be my personal responsibility to pay any~~  
1761 ~~federal taxes due on these funds. I also agree to return any~~  
1762 ~~unexpended funds to the district school board at the end of the~~  
1763 ~~regular school year for deposit into the school advisory council~~  
1764 ~~account of the school where I was employed at the time I~~  
1765 ~~received the funds or for deposit into the Florida Teachers~~  
1766 ~~Classroom Supply Assistance Program account of the school~~  
1767 ~~district in which the charter school is sponsored, as~~  
1768 ~~applicable."~~

1769       (5) ~~(6)~~ The Department of Education and district school  
1770 boards may, and are encouraged to, enter into public-private  
1771 partnerships in order to increase the total amount of Florida  
1772 Teachers Classroom Supply Assistance Programs funds available to  
1773 classroom teachers.

1774       Section 31. Section 1012.731, Florida Statutes, is created  
1775 to read:

1776       1012.731 The Florida Best and Brightest Teacher Scholarship  
1777 Program.—

1778       (1) The Legislature recognizes that, second only to  
1779 parents, teachers play the most critical role within schools in



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1780 preparing students to achieve a high level of academic  
1781 performance. The Legislature further recognizes that research  
1782 has linked student outcomes to a teacher's own academic  
1783 achievement. Therefore, it is the intent of the Legislature to  
1784 designate teachers who have achieved high academic standards  
1785 during their own education as Florida's best and brightest  
1786 teacher scholars.

1787 (2) There is created the Florida Best and Brightest Teacher  
1788 Scholarship Program to be administered by the Department of  
1789 Education. Beginning in the 2015-2016 school year, the  
1790 scholarship program shall provide categorical funding for  
1791 scholarships to be awarded to teachers who have demonstrated a  
1792 high level of academic achievement.

1793 (3) (a) To be eligible for a scholarship, a teacher:

1794 1. Must have scored at or above the 80th percentile on  
1795 either the SAT or the ACT based upon the percentile ranks in  
1796 effect when the teacher took the assessment and have been  
1797 evaluated as highly effective pursuant to s. 1012.34; or

1798 2. If the teacher is a first-year teacher who has not been  
1799 evaluated pursuant to s. 1012.34, must have scored at or above  
1800 the 80th percentile on either the SAT or the ACT based upon the  
1801 percentile ranks in effect when the teacher took the assessment.

1802 (b) In order to demonstrate eligibility for an award, an  
1803 eligible teacher must submit to the school district, no later  
1804 than October 1, an official record of his or her SAT or ACT  
1805 score demonstrating that the teacher scored at or above the 80th  
1806 percentile based upon the percentile ranks in effect when the  
1807 teacher took the assessment. Once a teacher is deemed eligible  
1808 by the school district, the teacher shall remain eligible as



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1809 long as he or she is employed by the school district and  
1810 maintains or, if the teacher is a first-year teacher, earns the  
1811 evaluation designation of highly effective pursuant to s.  
1812 1012.34.

1813 (4) Annually, by December 1, each school district shall  
1814 submit to the department the number of eligible teachers who  
1815 qualify for the scholarship.

1816 (5) Annually, by February 1, the department shall disburse  
1817 scholarship funds, in an amount prescribed annually by the  
1818 Legislature in the General Appropriations Act, to each school  
1819 district for each eligible teacher to receive a scholarship. If  
1820 the number of eligible teachers exceeds the total appropriation  
1821 authorized in the General Appropriation Act, the department  
1822 shall prorate the per teacher scholarship amount.

1823 (6) Annually, by April 1, each school district shall  
1824 provide payment of the scholarship to each eligible teacher.

1825 (7) For purposes of this section, the term "school  
1826 district" includes the Florida School for the Deaf and the Blind  
1827 and charter school governing boards.

1828 Section 32. Section 1012.75, Florida Statutes, is amended  
1829 to read:

1830 1012.75 Liability of teacher or principal; ~~excessive~~  
1831 ~~force.~~—

1832 (1) Except in the case of excessive force or cruel and  
1833 unusual punishment, a teacher or other member of the  
1834 instructional staff, a principal or the principal's designated  
1835 representative, or a bus driver shall not be civilly or  
1836 criminally liable for any action carried out in conformity with  
1837 State Board of Education and district school board rules



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1838 regarding the control, discipline, suspension, and expulsion of  
1839 students, including, but not limited to, any exercise of  
1840 authority under s. 1003.32 or s. 1006.09.

1841 (2) The State Board of Education shall adopt rules that  
1842 outline administrative standards for the use of reasonable force  
1843 by school personnel to maintain a safe and orderly learning  
1844 environment. Such standards shall be distributed to each school  
1845 in the state and shall provide guidance to school personnel in  
1846 receiving the limitations on liability specified in this  
1847 section.

1848 (3) Beginning with the 2015-2016 school year, the  
1849 Department of Education shall administer an educator liability  
1850 insurance program, as provided in the General Appropriation Act,  
1851 to protect full-time instructional personnel from liability for  
1852 monetary damages and the costs of defending actions resulting  
1853 from claims made against the instructional personnel arising out  
1854 of occurrences in the course of activities within the  
1855 instructional personnel's professional capacity. For purposes of  
1856 this subsection, the terms "full-time," "part-time," and  
1857 "administrative personnel" shall be defined by the individual  
1858 district school board. For purposes of this subsection, the term  
1859 "instructional personnel" has the same meaning as provided in s.  
1860 1012.01(2).

1861 (a) Liability coverage of at least \$2 million shall be  
1862 provided to all full-time instructional personnel. Liability  
1863 coverage may be provided to the following individuals who choose  
1864 to participate in the program, at cost: part-time instructional  
1865 personnel, administrative personnel, and students enrolled in a  
1866 state-approved teacher preparation program pursuant to s.



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1867 1012.39(3).

1868 (b) Annually, by August 1, each district school board shall  
1869 notify personnel specified in paragraph (a) of the liability  
1870 coverage provided pursuant to this subsection. The department  
1871 shall develop the form of the notice which each district school  
1872 board must use. The notice must be on an 8 1/2-inch by 5 1/2-  
1873 inch postcard and include the amount of coverage, a general  
1874 description of the nature of the coverage, and the contact  
1875 information for coverage and claims questions. The notification  
1876 must be provided separately from any other correspondence. Each  
1877 district school board shall certify to the department, by August  
1878 5 of each year, that the notification required by this paragraph  
1879 has been provided.

1880 (c) The department shall consult with the Department of  
1881 Financial Services to select the most economically prudent and  
1882 cost-effective means of implementing the program through self-  
1883 insurance, a risk management program, or competitive  
1884 procurement.

1885 Section 33. (1) The State University System Performance  
1886 Based Incentive shall be based on indicators of institutional  
1887 attainment of performance metrics adopted by the Board of  
1888 Governors. The performance-based funding metrics must include,  
1889 but are not limited to, metrics that measure graduation and  
1890 retention rates; degree production; affordability;  
1891 postgraduation employment, salaries, or further education;  
1892 student loan default rates; access; and any other metrics  
1893 approved by the board.

1894 (2) The Board of Governors shall evaluate the institutions'  
1895 performance on the metrics based on benchmarks adopted by the



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1896 board which measure the achievement of institutional excellence  
1897 or improvement. Each fiscal year, the amount of funds available  
1898 for allocation to the institutions based on the performance  
1899 funding model shall consist of the state's investment in  
1900 performance funding, plus an institutional investment consisting  
1901 of funds to be redistributed from the base funding of the State  
1902 University System, as determined in the General Appropriations  
1903 Act. The institutional investment shall be restored for all  
1904 institutions that meet the board's minimum performance threshold  
1905 under the performance funding model. An institution that is one  
1906 of the bottom three institutions or fails to meet the board's  
1907 minimum performance funding threshold is not eligible for the  
1908 state's investment, shall have a portion of its institutional  
1909 investment withheld, and shall submit an improvement plan to the  
1910 board that specifies the activities and strategies for improving  
1911 the institution's performance.

1912 (3) By October 1 of each year, the Board of Governors shall  
1913 submit to the Governor, the President of the Senate, and the  
1914 Speaker of the House of Representatives a report on the previous  
1915 year's performance funding allocation which reflects the  
1916 rankings and award distributions.

1917 (4) The Board of Governors shall adopt a regulation to  
1918 implement this section.

1919 Section 34. (1) The Florida College System Performance  
1920 Based Incentive shall be based on indicators of institutional  
1921 attainment of performance metrics adopted by the State Board of  
1922 Education. The performance-based funding metrics must be limited  
1923 to metrics that measure retention; program completion and  
1924 graduation rates; student loan default rates; job placement; and



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1925 postgraduation employment, salaries, or further education.

1926 (2) The State Board of Education shall evaluate the  
1927 institutions' performance on the metrics based on benchmarks  
1928 adopted by the board which measure the achievement of  
1929 institutional excellence or improvement. Each fiscal year, the  
1930 amount of funds available for allocation to the institutions  
1931 based on the performance funding model shall consist of the  
1932 state's investment in performance funding, plus an institutional  
1933 investment consisting of funds to be redistributed from the base  
1934 funding of the Florida College System Program Fund, as  
1935 determined in the General Appropriations Act. The board shall  
1936 establish a minimum performance threshold that institutions must  
1937 meet in order to be eligible for the state's investment in  
1938 performance funds. The institutional investment shall be  
1939 restored for all institutions eligible for the state's  
1940 investment under the performance funding model. Any institution  
1941 that fails to meet the board's minimum performance funding  
1942 threshold is not eligible for the state's investment, shall have  
1943 a portion of its institutional investment withheld, and shall  
1944 submit an improvement plan to the board that specifies the  
1945 activities and strategies for improving the institution's  
1946 performance.

1947 (3) The State Board of Education must review the  
1948 improvement plan, and if approved, must monitor the  
1949 institution's progress on implementing the specified activities  
1950 and strategies. The institutions shall submit monitoring reports  
1951 to the board no later than December 31 and May 31 of each year.

1952 (4) The Commissioner of Education shall withhold  
1953 disbursement of the institutional investment until such time as



1954 the monitoring report for the institution is approved by the  
1955 State Board of Education. Any institution that fails to make  
1956 satisfactory progress will not have its full institutional  
1957 investment restored. If all institutional investment funds are  
1958 not restored, any remaining funds shall be redistributed in  
1959 accordance with the board's performance funding model.

1960 (5) By October 1 of each year, the State Board of Education  
1961 shall submit to the Governor, the President of the Senate, and  
1962 the Speaker of the House of Representatives a report on the  
1963 previous year's performance funding allocation which reflects  
1964 the rankings and award distributions.

1965 (6) The State Board of Education shall adopt rules to  
1966 implement this section.

1967 Section 35. This act shall take effect July 1, 2015.

1968  
1969 ===== T I T L E A M E N D M E N T =====

1970 And the title is amended as follows:

1971 Delete everything before the enacting clause  
1972 and insert:

1973 A bill to be entitled  
1974 An act relating to education; amending s. 282.0051,  
1975 F.S.; requiring the Agency for State Technology to  
1976 establish and publish information technology  
1977 architecture standards for purposes of implementing  
1978 digital classrooms by a specified date; requiring the  
1979 agency to collaborate with the Department of Education  
1980 and the Department of Management Services to identify  
1981 certain state contract procurement options for  
1982 services that support such standards and to identify



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1983 certain shared services available through the State  
1984 Data Center to facilitate the implementation of school  
1985 district digital classrooms plans; requiring the  
1986 agency's annual assessment of the Department of  
1987 Education to review specified issues with respect to  
1988 school district digital classrooms plans and to  
1989 provide planning assistance to address and reduce  
1990 issues identified by the assessment; amending s.  
1991 282.00515, F.S.; conforming a cross-reference to  
1992 changes made by the act; creating s. 282.0052, F.S.;  
1993 establishing requirements for the agency or a  
1994 contracted organization with respect to the  
1995 establishment and assessment of digital classrooms  
1996 information technology architecture standards;  
1997 requiring the agency or contracted organization to  
1998 annually submit a report to the Governor and the  
1999 Legislature; prescribing report requirements;  
2000 requiring the agency to annually update the  
2001 Commissioner of Education on the status of technology  
2002 infrastructure; requiring the Department of Education  
2003 to annually update school districts regarding  
2004 compliance with information technology architecture  
2005 standards and provide planning guidance; requiring a  
2006 school district to take certain action in the event of  
2007 noncompliance with information technology architecture  
2008 standards; amending s. 446.021, F.S.; revising terms;  
2009 amending s. 446.032, F.S.; conforming a provision to  
2010 changes made by the act; requiring the Department of  
2011 Education, in collaboration with the Department of



2012 Economic Opportunity, to identify, develop, and  
2013 register specified apprenticeship programs; requiring  
2014 the department to annually submit an accountability  
2015 report with specified requirements to the Governor,  
2016 the Legislature, and the Higher Education Coordinating  
2017 Council; requiring the department to post on its  
2018 Internet website specified information regarding  
2019 apprenticeship programs; amending s. 446.045, F.S.;  
2020 clarifying State Apprenticeship Advisory Council  
2021 membership; amending s. 446.052, F.S.; requiring the  
2022 Department of Education, in collaboration with the  
2023 Department of Economic Opportunity, to identify,  
2024 develop, and register specified preapprenticeship  
2025 programs; requiring the department to annually submit  
2026 an accountability report with specified requirements  
2027 to the Governor, the Legislature, and the Higher  
2028 Education Coordinating Council; requiring the  
2029 department to post on its Internet website specified  
2030 information regarding preapprenticeship programs;  
2031 requiring the Department of Education, in  
2032 collaboration with the Department of Economic  
2033 Opportunity and CareerSource Florida, Inc., to submit  
2034 an operational report to the Governor, the  
2035 Legislature, and the Higher Education Coordinating  
2036 Council with specified information; providing for  
2037 expiration; amending s. 446.081, F.S.; clarifying the  
2038 limitations of certain provisions; amending s.  
2039 446.091, F.S.; conforming a provision to a change made  
2040 by the act; amending s. 446.092, F.S.; revising



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2041 characteristics of an apprenticeable occupation;  
2042 amending s. 1001.20, F.S.; requiring the Office of  
2043 Technology and Information Services of the Department  
2044 of Education to consult with the Agency for State  
2045 Technology in developing the 5-year strategic plan for  
2046 Florida digital classrooms; removing an obsolete date;  
2047 revising requirements for the 5-year strategic plan;  
2048 expanding the list of responsibilities of the Office  
2049 of Technology and Information Services; amending s.  
2050 1001.43, F.S.; authorizing district school boards to  
2051 adopt a standard student attire policy; establishing  
2052 criteria for and the purpose of the policy; providing  
2053 immunity from civil liability for district school  
2054 boards that implement a standard student attire policy  
2055 under certain conditions; amending s. 1001.7065, F.S.;  
2056 requiring a state research university to enter into  
2057 and maintain a formal agreement with a specified  
2058 organization to offer college-sponsored merit  
2059 scholarship awards as a condition of designation as a  
2060 preeminent state research university; specifying that  
2061 continuation of a state research university's  
2062 institute for online learning is contingent on the  
2063 university entering into and maintaining such an  
2064 agreement; conforming provisions to changes made by  
2065 the act; amending s. 1003.42, F.S.; requiring that  
2066 instructional staff of public schools provide  
2067 instruction to students about the terrorist attacks  
2068 occurring on September 11, 2001, and the impact of  
2069 those events; providing a short title; creating s.



2070 1004.084, F.S.; requiring the Board of Governors and  
2071 the State Board of Education to identify strategies  
2072 and initiatives to reduce the cost of higher  
2073 education; requiring the Board of Governors and the  
2074 state board to annually submit a report to the  
2075 Governor and the Legislature; amending s. 1004.085,  
2076 F.S.; defining the term "instructional materials";  
2077 revising policies and procedures relating to  
2078 textbooks; requiring a public postsecondary  
2079 institution to post information relating to required  
2080 and recommended textbooks and instructional materials  
2081 and prices in its course registration system and on  
2082 its website; requiring the state board and the Board  
2083 of Governors to adopt textbook and instructional  
2084 materials affordability policies, procedures, and  
2085 guidelines; providing requirements for the use of  
2086 adopted undergraduate textbooks and instructional  
2087 materials; requiring annual reporting of textbook and  
2088 instructional materials cost information and  
2089 affordability policies and procedures to the  
2090 Chancellor of the Florida College System or the  
2091 Chancellor of the State University System; requiring  
2092 electronic copies of the affordability policies and  
2093 procedures be sent annually to the state board or the  
2094 Board of Governors; amending s. 1004.92, F.S.;  
2095 requiring the State Board of Education to adopt rules  
2096 relating to accountability for career education;  
2097 amending s. 1006.735, F.S.; establishing the Rapid  
2098 Response Education and Training Program within the



2099 Complete Florida Plus Program; requiring the Complete  
2100 Florida Plus Program to work with Enterprise Florida,  
2101 Inc., to offer credible education and training  
2102 commitments to businesses; specifying the duties of  
2103 the Rapid Response Education and Training Program;  
2104 requiring reports to the Legislature; requiring the  
2105 Division of Career and Adult Education within the  
2106 Department of Education to conduct an analysis and  
2107 assessment of the effectiveness of the education and  
2108 training programs; amending s. 1009.22, F.S.; revising  
2109 the amount tuition may vary for the combined total of  
2110 the standard tuition and out-of-state fees; amending  
2111 s. 1009.23, F.S.; prohibiting resident tuition at a  
2112 Florida College System institution from exceeding a  
2113 specified amount per credit hour; revising the amount  
2114 tuition may vary for the combined total of the  
2115 standard tuition and out-of-state fees; requiring a  
2116 Florida College System institution to publicly notice  
2117 meetings at which votes on proposed tuition or fee  
2118 increases are scheduled; amending s. 1009.24, F.S.;  
2119 prohibiting resident undergraduate tuition at a state  
2120 university from exceeding a specified amount per  
2121 credit hour; removing authority for a designee of the  
2122 Board of Governors to establish graduate and  
2123 professional tuition and out-of-state fees;  
2124 prohibiting graduate and professional program tuition  
2125 from exceeding a specified amount; requiring a state  
2126 university to publicly notice meetings at which votes  
2127 on proposed tuition or fee increases are scheduled;



2128 amending s. 1009.893, F.S., changing the name of the  
2129 "Florida National Merit Scholar Incentive Program" to  
2130 the "Benacquisto Scholarship Program"; providing that  
2131 a student who receives the scholarship award under the  
2132 program be referred to as a Benacquisto Scholar;  
2133 conforming provisions to changes made by the act;  
2134 amending s. 1011.62, F.S.; requiring supplemental  
2135 academic instruction categorical funds and research-  
2136 based reading instruction allocation funds to be used  
2137 by a school district with at least one of certain  
2138 lowest-performing elementary schools for additional  
2139 intensive reading instruction at such school during  
2140 the summer program in addition to the school year;  
2141 providing that the additional instruction requirements  
2142 continue in the subsequent year for certain students;  
2143 revising the funding of full-time equivalent values  
2144 for students who earn CAPE industry certifications  
2145 through dual enrollment; increasing the bonus awarded  
2146 to teachers who provided instruction in courses that  
2147 led to certain CAPE industry certifications;  
2148 specifying a maximum bonus amount per teacher per  
2149 school year; revising the calculation of the  
2150 discretionary millage compression supplement amount;  
2151 revising the computation of district sparsity index  
2152 for districts with a specified full-time equivalent  
2153 student membership; deleting obsolete language;  
2154 revising the calculation of the virtual education  
2155 contribution; revising the date by which district  
2156 school boards must annually submit a digital



2157 classrooms plan to the Department of Education;  
2158 requiring the department to contract with an  
2159 independent auditing entity in the event of  
2160 noncompliance with minimum protocols and requirements  
2161 in the administration of online assessments; requiring  
2162 a charter school to submit the school's digital  
2163 classrooms plan to the applicable school district;  
2164 specifying required format for the plan; specifying  
2165 conditions for a school district to maintain  
2166 eligibility for Florida digital classrooms allocation  
2167 funds; requiring the Commissioner of Education to  
2168 implement an online portal for electronic submission  
2169 of digital classrooms plans by a specified date;  
2170 requiring a charter school to annually report to the  
2171 department regarding the use of specified funds;  
2172 revising requirements for the commissioner's annual  
2173 report to the Governor and the Legislature regarding  
2174 the digital classrooms plan; creating a federally  
2175 connected student supplement for school districts;  
2176 specifying eligibility requirements and calculations  
2177 for the supplement; providing for the withholding of a  
2178 district's safe schools funding for failure to comply  
2179 with certain reporting requirements with respect to  
2180 school safety and student discipline; amending s.  
2181 1011.71, F.S.; conforming a cross-reference;  
2182 authorizing enterprise resource software to be  
2183 acquired by certain fees and agreements; creating s.  
2184 1011.802, F.S.; creating the Florida Apprenticeship  
2185 Grant Program within the Department of Education to



2186 provide grants to specific centers and institutions  
2187 for the creation of new apprenticeship programs or the  
2188 expansion of existing apprenticeship programs;  
2189 providing funding for the program; providing  
2190 requirements related to applications, program  
2191 priority, use of grant funds, and quarterly reports;  
2192 amending ss. 1012.34 and 1012.3401, F.S.; requiring  
2193 that classroom teacher performance evaluations be  
2194 based upon the performance of students with fewer than  
2195 a specified number of absences; amending s. 1012.39,  
2196 F.S.; providing requirements regarding liability  
2197 insurance for students performing clinical field  
2198 experience; amending s. 1012.71, F.S.; requiring a  
2199 classroom teacher to provide the school district with  
2200 receipts for the expenditure of certain funds;  
2201 creating s. 1012.731, F.S.; providing legislative  
2202 intent; establishing the Florida Best and Brightest  
2203 Teacher Scholarship Program; providing eligibility  
2204 criteria; requiring a school district to annually  
2205 submit the number of eligible teachers to the  
2206 department; providing for funding and the disbursement  
2207 of funds; defining the term "school district" for  
2208 purposes of the act; amending s. 1012.75, F.S.;  
2209 requiring the department to administer an educator  
2210 liability insurance program; defining terms;  
2211 specifying program administration and eligibility  
2212 requirements; requiring the Board of Governors and the  
2213 State Board of Education to base state performance  
2214 funds for the State University System and the Florida



449092

2215 College System, respectively, on specified metrics  
2216 adopted by each board; specifying allocation of the  
2217 funds; requiring certain funds to be withheld from an  
2218 institution based on specified performance; requiring  
2219 the boards to submit reports by a specified time to  
2220 the Governor and the Legislature; requiring the boards  
2221 to adopt rules; providing an effective date.



645424

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/10/2015	.	
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Appropriations Subcommittee on Education (Legg) recommended the following:

1           **Senate Amendment to Amendment (449092) (with title**  
2 **amendment)**

3  
4           Delete lines 639 - 655.

5  
6 ===== T I T L E   A M E N D M E N T =====

7 And the title is amended as follows:

8           Delete lines 2065 - 2069

9 and insert:

10          the act; creating s.

By the Committee on Higher Education; and Senator Gaetz

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1 A bill to be entitled  
 2 An act relating to education; amending s. 446.021,  
 3 F.S.; revising terms; amending s. 446.032, F.S.;  
 4 conforming a provision to a change made by the act;  
 5 amending s. 446.045, F.S.; clarifying State  
 6 Apprenticeship Advisory Council membership; amending  
 7 s. 446.081, F.S.; clarifying the limitations of  
 8 certain provisions; amending s. 446.091, F.S.;  
 9 conforming a provision to a change made by the act;  
 10 amending s. 446.092, F.S.; revising characteristics of  
 11 an apprenticeable occupation; amending s. 1011.62,  
 12 F.S.; requiring a low-performing elementary school to  
 13 administer the required additional hours of  
 14 instruction in a summer program during specified  
 15 fiscal years; requiring a school to continue to  
 16 provide the additional instruction to certain students  
 17 in the subsequent year if the school is no longer  
 18 classified as one of the 300 lowest-performing  
 19 elementary schools; revising the types and amounts of  
 20 bonuses that a teacher may receive in any given school  
 21 year; revising the discretionary millage compression  
 22 supplement; revising a district sparsity index  
 23 calculation; deleting obsolete language; revising the  
 24 virtual education contribution calculation; creating  
 25 the federally connected student supplement; providing  
 26 eligibility requirements for and components of the  
 27 supplement; amending s. 1011.71, F.S.; conforming a  
 28 cross-reference; amending s. 1004.92, F.S.; requiring  
 29 the State Board of Education to adopt rules for

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30 administration; amending s. 1006.735, F.S.;  
 31 establishing the Rapid Response Education and Training  
 32 Program within the Complete Florida Plus Program;  
 33 requiring the Complete Florida Plus Program to work  
 34 with Enterprise Florida, Inc., to offer education and  
 35 training programs to businesses' employees; specifying  
 36 the duties of the Rapid Response Education and  
 37 Training Program; requiring reports to the  
 38 Legislature; requiring the Division of Career and  
 39 Adult Education within the Department of Education to  
 40 conduct an analysis and assessment of the  
 41 effectiveness of the education and training programs;  
 42 amending s. 1001.7065, F.S.; requiring a state  
 43 research university to enter into and maintain a  
 44 formal agreement with a specified organization to  
 45 offer college-sponsored merit scholarship awards as a  
 46 condition of designation as a preeminent state  
 47 research university; specifying that continuation of a  
 48 state research university's institute for online  
 49 learning is contingent on the university entering into  
 50 and maintaining such an agreement; requiring the Board  
 51 of Governors and the State Board of Education to base  
 52 state performance funds for the State University  
 53 System and the Florida College System on specified  
 54 metrics adopted by each board; specifying allocation  
 55 of the funds; requiring the Chancellor of the State  
 56 University System and the Commissioner of Education to  
 57 withhold disbursement of certain funds; requiring the  
 58 boards to submit reports by a specified time to the

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59 Governor and the Legislature; requiring the boards to  
60 adopt rules; creating s. 1012.731, F.S.; providing  
61 legislative intent; establishing the Florida Best and  
62 Brightest Teacher Scholarship Program; authorizing  
63 funding; requiring that the State Board of Education  
64 adopt rules; providing an effective date.

65  
66 Be It Enacted by the Legislature of the State of Florida:

67  
68 Section 1. Subsections (2), (4), and (9) of section  
69 446.021, Florida Statutes, are amended to read:

70 446.021 Definitions of terms used in ss. 446.011-446.092.—  
71 As used in ss. 446.011-446.092, the term:

72 (2) "Apprentice" means a person at least 16 years of age  
73 who is engaged in learning a recognized skilled trade through  
74 actual work experience under the supervision of journeyworker  
75 ~~journeymen~~ craftsmen, which training should be combined with  
76 properly coordinated studies of related technical and  
77 supplementary subjects, and who has entered into a written  
78 agreement, which may be cited as an apprentice agreement, with a  
79 registered apprenticeship sponsor who may be either an employer,  
80 an association of employers, or a local joint apprenticeship  
81 committee.

82 (4) "Journeyworker" "~~Journeyman~~" means a worker who has  
83 attained certain skills, abilities, and competencies and who is  
84 recognized within an industry as having mastered the skills and  
85 competencies required for the occupation, including, but not  
86 limited to, attainment of a nationally recognized industry  
87 certification. The term includes a mentor, technician,

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88 specialist, or other skilled worker who has documented  
89 sufficient skills and knowledge of an occupation, through formal  
90 apprenticeship, attainment of a nationally recognized industry  
91 certification, or through practical, on-the-job experience or  
92 formal training ~~a person working in an apprenticeable occupation~~  
93 ~~who has successfully completed a registered apprenticeship~~  
94 ~~program or who has worked the number of years required by~~  
95 ~~established industry practices for the particular trade or~~  
96 ~~occupation.~~

97 (9) "Related instruction" means an organized and systematic  
98 form of instruction designed to provide the apprentice with  
99 knowledge of the theoretical and technical subjects related to a  
100 specific trade or occupation. Such instruction may be given in a  
101 classroom, through occupational or industrial courses, or by  
102 correspondence courses of equivalent value, including electronic  
103 media or other forms of self-study instruction approved by the  
104 department.

105 Section 2. Subsection (1) of section 446.032, Florida  
106 Statutes, is amended to read:

107 446.032 General duties of the department for apprenticeship  
108 training.—The department shall:

109 (1) Establish uniform minimum standards and policies  
110 governing apprentice programs and agreements. The standards and  
111 policies shall govern the terms and conditions of the  
112 apprentice's employment and training, including the quality  
113 training of the apprentice for, but not limited to, such matters  
114 as ratios of apprentices to journeyworkers ~~journeymen~~, safety,  
115 related instruction, and on-the-job training; but these  
116 standards and policies may not include rules, standards, or

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117 guidelines that require the use of apprentices and job trainees  
 118 on state, county, or municipal contracts. The department may  
 119 adopt rules necessary to administer the standards and policies.

120 Section 3. Paragraph (b) of subsection (2) of section  
 121 446.045, Florida Statutes, is amended to read:

122 446.045 State Apprenticeship Advisory Council.—

123 (2)

124 (b) The Commissioner of Education or the commissioner's  
 125 designee shall serve ex officio as chair of the State  
 126 Apprenticeship Advisory Council, but may not vote. The state  
 127 director of the Office of Apprenticeship of the United States  
 128 Department of Labor shall serve ex officio as a nonvoting member  
 129 of the council. The Governor shall appoint to the council four  
 130 members representing employer organizations and four members  
 131 representing employer organizations. Each of these eight members  
 132 shall represent industries that have registered apprenticeship  
 133 programs. The Governor shall also appoint two public members who  
 134 are knowledgeable about registered apprenticeship and  
 135 apprenticeable occupations, who are independent of any joint or  
 136 nonjoint organization one of whom shall be recommended by joint  
 137 organizations, and one of whom shall be recommended by nonjoint  
 138 organizations. Members shall be appointed for 4-year staggered  
 139 terms. A vacancy shall be filled for the remainder of the  
 140 unexpired term.

141 Section 4. Subsection (4) is added to section 446.081,  
 142 Florida Statutes, to read:

143 446.081 Limitation.—

144 (4) Nothing in ss. 446.011-446.092 or the implementing  
 145 rules in these sections shall operate to invalidate any special

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146 provision for veterans, minority persons, or women in the  
 147 standards, qualifications, or operation of the apprenticeship  
 148 program or in the apprenticeship agreement which is not  
 149 otherwise prohibited by law, executive order, or authorized  
 150 regulation.

151 Section 5. Section 446.091, Florida Statutes, is amended to  
 152 read:

153 446.091 On-the-job training program.—All provisions of ss.  
 154 446.011-446.092 relating to apprenticeship and  
 155 preapprenticeship, including, but not limited to, programs,  
 156 agreements, standards, administration, procedures, definitions,  
 157 expenditures, local committees, powers and duties, limitations,  
 158 grievances, and ratios of apprentices and job trainees to  
 159 journeyworkers journeymen on state, county, and municipal  
 160 contracts, shall be appropriately adapted and made applicable to  
 161 a program of on-the-job training authorized under those  
 162 provisions for persons other than apprentices.

163 Section 6. Section 446.092, Florida Statutes, is amended to  
 164 read:

165 446.092 Criteria for apprenticeship occupations.—An  
 166 apprenticeable occupation is a skilled trade which possesses all  
 167 of the following characteristics:

168 (1) It is customarily learned in a practical way through a  
 169 structured, systematic program of on-the-job, supervised  
 170 training.

171 (2) It is clearly identified and commonly recognized  
 172 throughout an the industry, and may be associated with a  
 173 nationally recognized industry certification or recognized with  
 174 a positive view towards changing technology.

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175 (3) It involves manual, mechanical, or technical skills and  
 176 knowledge which, in accordance with the industry standard for  
 177 the occupation, requires ~~require~~ a minimum of 2,000 hours of on-  
 178 the-job work and training, which hours are excluded from the  
 179 time spent at related instruction.

180 (4) It requires related instruction to supplement on-the-  
 181 job training. Such instruction may be given in a classroom,  
 182 through occupational or industrial courses, or through  
 183 correspondence courses of equivalent value, including electronic  
 184 media or other forms of self-study instruction approved by the  
 185 department.

186 ~~(5) It involves the development of skill sufficiently broad~~  
 187 ~~to be applicable in like occupations throughout an industry,~~  
 188 ~~rather than of restricted application to the products or~~  
 189 ~~services of any one company.~~

190 ~~(6) It does not fall into any of the following categories:~~

191 ~~(a) Selling, retailing, or similar occupations in the~~  
 192 ~~distributive field.~~

193 ~~(b) Managerial occupations.~~

194 ~~(c) Professional and scientific vocations for which~~  
 195 ~~entrance requirements customarily require an academic degree.~~

196 Section 7. Paragraphs (f) and (o) of subsection (1),  
 197 paragraph (a) of subsection (4), subsection (5), paragraph (b)  
 198 of subsection (7), paragraph (a) of subsection (9), subsection  
 199 (11), and subsection (13) of section 1011.62, Florida Statutes,  
 200 are amended, present subsections (13), (14), and (15) of that  
 201 section are redesignated as subsections (14), (15), and (16),  
 202 respectively, and a new subsection (13) is added to that  
 203 section, to read:

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204 1011.62 Funds for operation of schools.—If the annual  
 205 allocation from the Florida Education Finance Program to each  
 206 district for operation of schools is not determined in the  
 207 annual appropriations act or the substantive bill implementing  
 208 the annual appropriations act, it shall be determined as  
 209 follows:

210 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 211 OPERATION.—The following procedure shall be followed in  
 212 determining the annual allocation to each district for  
 213 operation:

214 (f) *Supplemental academic instruction; categorical fund.*—

215 1. There is created a categorical fund to provide  
 216 supplemental academic instruction to students in kindergarten  
 217 through grade 12. This paragraph may be cited as the  
 218 "Supplemental Academic Instruction Categorical Fund."

219 2. Categorical funds for supplemental academic instruction  
 220 shall be allocated annually to each school district in the  
 221 amount provided in the General Appropriations Act. These funds  
 222 shall be in addition to the funds appropriated on the basis of  
 223 FTE student membership in the Florida Education Finance Program  
 224 and shall be included in the total potential funds of each  
 225 district. These funds shall be used to provide supplemental  
 226 academic instruction to students enrolled in the K-12 program.  
 227 For the 2014-2015, 2015-2016, 2016-2017, and 2017-2018 fiscal  
 228 years year, each school district that has one or more of the 300  
 229 lowest-performing elementary schools based on the state reading  
 230 assessment shall use these funds, together with the funds  
 231 provided in the district's research-based reading instruction  
 232 allocation and other available funds, to provide an additional

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233 hour of instruction beyond the normal school day for each day of  
 234 the entire school year, and provide the equivalent hours of  
 235 instruction in a summer program, for intensive reading  
 236 instruction for the students in each of these schools. In the  
 237 subsequent year, if a participating school is no longer  
 238 classified as one of the 300 lowest-performing elementary  
 239 schools, the school must continue to provide the additional hour  
 240 of instruction to all students who have Level 1 or Level 2  
 241 reading assessment scores. This additional hour of instruction  
 242 must be provided by teachers or reading specialists who are  
 243 effective in teaching reading or by a K-5 mentoring reading  
 244 program that is supervised by a teacher who is effective at  
 245 teaching reading. Students enrolled in these schools who have  
 246 level 5 assessment scores may participate in the additional hour  
 247 of instruction on an optional basis. Exceptional student  
 248 education centers ~~may shall~~ not be included in the 300 schools.  
 249 After this requirement has been met, supplemental instruction  
 250 strategies may include, but are not limited to: modified  
 251 curriculum, reading instruction, after-school instruction,  
 252 tutoring, mentoring, class size reduction, extended school year,  
 253 intensive skills development in summer school, and other methods  
 254 for improving student achievement. Supplemental instruction may  
 255 be provided to a student in any manner and at any time during or  
 256 beyond the regular 180-day term identified by the school as  
 257 being the most effective and efficient way to best help that  
 258 student progress from grade to grade and to graduate.  
 259 3. Effective with the 1999-2000 fiscal year, funding on the  
 260 basis of FTE membership beyond the 180-day regular term shall be  
 261 provided in the FEFP only for students enrolled in juvenile

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262 justice education programs or in education programs for  
 263 juveniles placed in secure facilities or programs under s.  
 264 985.19. Funding for instruction beyond the regular 180-day  
 265 school year for all other K-12 students shall be provided  
 266 through the supplemental academic instruction categorical fund  
 267 and other state, federal, and local fund sources with ample  
 268 flexibility for schools to provide supplemental instruction to  
 269 assist students in progressing from grade to grade and  
 270 graduating.  
 271 4. The Florida State University School, as a lab school, is  
 272 authorized to expend from its FEFP or Lottery Enhancement Trust  
 273 Fund allocation the cost to the student of remediation in  
 274 reading, writing, or mathematics for any graduate who requires  
 275 remediation at a postsecondary educational institution.  
 276 5. Beginning in the 1999-2000 school year, dropout  
 277 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),  
 278 (b), and (c), and 1003.54 shall be included in group 1 programs  
 279 under subparagraph (d)3.  
 280 (o) *Calculation of additional full-time equivalent*  
 281 *membership based on successful completion of a career-themed*  
 282 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*  
 283 *courses with embedded CAPE industry certifications or CAPE*  
 284 *Digital Tool certificates, and issuance of industry*  
 285 *certification identified on the CAPE Industry Certification*  
 286 *Funding List pursuant to rules adopted by the State Board of*  
 287 *Education or CAPE Digital Tool certificates pursuant to s.*  
 288 *1003.4203.-*  
 289 1.a. A value of 0.025 full-time equivalent student  
 290 membership shall be calculated for CAPE Digital Tool

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291 certificates earned by students in elementary and middle school  
 292 grades.

293 b. A value of 0.1 or 0.2 full-time equivalent student  
 294 membership shall be calculated for each student who completes a  
 295 course as defined in s. 1003.493(1)(b) or courses with embedded  
 296 CAPE industry certifications and who is issued an industry  
 297 certification identified annually on the CAPE Industry  
 298 Certification Funding List approved under rules adopted by the  
 299 State Board of Education. A value of 0.2 full-time equivalent  
 300 membership shall be calculated for each student who is issued a  
 301 CAPE industry certification that has a statewide articulation  
 302 agreement for college credit approved by the State Board of  
 303 Education. For CAPE industry certifications that do not  
 304 articulate for college credit, the Department of Education shall  
 305 assign a full-time equivalent value of 0.1 for each  
 306 certification. Middle grades students who earn additional FTE  
 307 membership for a CAPE Digital Tool certificate pursuant to sub-  
 308 subparagraph a. may not use the previously funded examination to  
 309 satisfy the requirements for earning an industry certification  
 310 under this sub-subparagraph. Additional FTE membership for an  
 311 elementary or middle grades student may ~~shall~~ not exceed 0.1 for  
 312 certificates or certifications earned within the same fiscal  
 313 year. The State Board of Education shall include the assigned  
 314 values on the CAPE Industry Certification Funding List under  
 315 rules adopted by the state board. Such value shall be added to  
 316 the total full-time equivalent student membership for grades 6  
 317 through 12 in the subsequent year ~~for courses that were not~~  
 318 ~~provided through dual enrollment~~. CAPE industry certifications  
 319 earned through dual enrollment must be reported and funded

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320 pursuant to s. 1011.80. However, if a student earns a  
 321 certification through a dual enrollment course and the  
 322 certification is not a fundable certification on the  
 323 postsecondary certification funding list, or the dual enrollment  
 324 certification is earned as a result of an agreement between a  
 325 school district and a nonpublic postsecondary institution, the  
 326 bonus value shall be funded in the same manner as for other  
 327 nondual enrollment course industry certifications. In such  
 328 cases, the school district may provide for an agreement between  
 329 the high school and the technical center, or the school district  
 330 and the postsecondary institution may enter into an agreement  
 331 for equitable distribution of the bonus funds.

332 c. A value of 0.3 full-time equivalent student membership  
 333 shall be calculated for student completion of the courses and  
 334 the embedded certifications identified on the CAPE Industry  
 335 Certification Funding List and approved by the commissioner  
 336 pursuant to ss. 1003.4203(5)(a) and 1008.44.

337 d. A value of 0.5 full-time equivalent student membership  
 338 shall be calculated for CAPE Acceleration Industry  
 339 Certifications that articulate for 15 to 29 college credit  
 340 hours, and 1.0 full-time equivalent student membership shall be  
 341 calculated for CAPE Acceleration Industry Certifications that  
 342 articulate for 30 or more college credit hours pursuant to CAPE  
 343 Acceleration Industry Certifications approved by the  
 344 commissioner pursuant to ss. 1003.4203(5)(b) and 1008.44.

345 2. Each district must allocate at least 80 percent of the  
 346 funds provided for CAPE industry certification, in accordance  
 347 with this paragraph, to the program that generated the funds.  
 348 This allocation may not be used to supplant funds provided for

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349 basic operation of the program.

350 3. For CAPE industry certifications earned in the 2013-2014  
351 school year and in subsequent years, the school district shall  
352 distribute to each classroom teacher who provided direct  
353 instruction toward the attainment of a CAPE industry  
354 certification that qualified for additional full-time equivalent  
355 membership under subparagraph 1.:

356 a. A bonus in the amount of \$25 for each student taught by  
357 a teacher who provided instruction in a course that led to the  
358 attainment of a CAPE industry certification on the CAPE Industry  
359 Certification Funding List with a weight of 0.1.

360 b. A bonus in the amount of \$50 for each student taught by  
361 a teacher who provided instruction in a course that led to the  
362 attainment of a CAPE industry certification on the CAPE Industry  
363 Certification Funding List with a weight of 0.2, ~~0.3, 0.5, and~~  
364 ~~1.0~~.

365 c. A bonus in the amount of \$75 for each student taught by  
366 a teacher who provided instruction in a course that led to the  
367 attainment of a CAPE industry certification on the CAPE Industry  
368 Certification Funding List with a weight of 0.3.

369 d. A bonus in the amount of \$100 for each student taught by  
370 a teacher who provided instruction in a course that led to the  
371 attainment of a CAPE industry certification on the CAPE Industry  
372 Certification Funding List with a weight of 0.5 or 1.0.

373 Bonuses awarded pursuant to this paragraph shall be provided to  
374 teachers who are employed by the district in the year in which  
375 the additional FTE membership calculation is included in the  
376 calculation. Bonuses shall be calculated based upon the  
377

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378 associated weight of a CAPE industry certification on the CAPE  
379 Industry Certification Funding List for the year in which the  
380 certification is earned by the student. Any bonus awarded to a  
381 teacher under sub-subparagraph 3.a. or sub-subparagraph 3.b.  
382 ~~this paragraph~~ may not exceed \$2,000 in any given school year,  
383 and a bonus awarded to a teacher under sub-subparagraph 3.c. or  
384 sub-subparagraph 3.d. may not exceed \$4,000 in a given school  
385 year. The maximum bonus that may be awarded to a teacher under  
386 this paragraph is \$4,000. This bonus ~~and~~ is in addition to any  
387 regular wage or other bonus the teacher received or is scheduled  
388 to receive.

389 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The  
390 Legislature shall prescribe the aggregate required local effort  
391 for all school districts collectively as an item in the General  
392 Appropriations Act for each fiscal year. The amount that each  
393 district shall provide annually toward the cost of the Florida  
394 Education Finance Program for kindergarten through grade 12  
395 programs shall be calculated as follows:

396 (a) *Estimated taxable value calculations.*—

397 1.a. Not later than 2 working days prior to July 19, the  
398 Department of Revenue shall certify to the Commissioner of  
399 Education its most recent estimate of the taxable value for  
400 school purposes in each school district and the total for all  
401 school districts in the state for the current calendar year  
402 based on the latest available data obtained from the local  
403 property appraisers. The value certified shall be the taxable  
404 value for school purposes for that year, and no further  
405 adjustments shall be made, except those made pursuant to  
406 paragraphs (c) and (d), or an assessment roll change required by

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407 final judicial decisions as specified in paragraph (15) (b)  
 408 ~~(14) (b)~~. Not later than July 19, the Commissioner of Education  
 409 shall compute a millage rate, rounded to the next highest one  
 410 one-thousandth of a mill, which, when applied to 96 percent of  
 411 the estimated state total taxable value for school purposes,  
 412 would generate the prescribed aggregate required local effort  
 413 for that year for all districts. The Commissioner of Education  
 414 shall certify to each district school board the millage rate,  
 415 computed as prescribed in this subparagraph, as the minimum  
 416 millage rate necessary to provide the district required local  
 417 effort for that year.

418 b. The General Appropriations Act shall direct the  
 419 computation of the statewide adjusted aggregate amount for  
 420 required local effort for all school districts collectively from  
 421 ad valorem taxes to ensure that no school district's revenue  
 422 from required local effort millage will produce more than 90  
 423 percent of the district's total Florida Education Finance  
 424 Program calculation as calculated and adopted by the  
 425 Legislature, and the adjustment of the required local effort  
 426 millage rate of each district that produces more than 90 percent  
 427 of its total Florida Education Finance Program entitlement to a  
 428 level that will produce only 90 percent of its total Florida  
 429 Education Finance Program entitlement in the July calculation.

430 2. On the same date as the certification in sub-  
 431 subparagraph 1.a., the Department of Revenue shall certify to  
 432 the Commissioner of Education for each district:

433 a. Each year for which the property appraiser has certified  
 434 the taxable value pursuant to s. 193.122(2) or (3), if  
 435 applicable, since the prior certification under sub-subparagraph

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436 1.a.

437 b. For each year identified in sub-subparagraph a., the  
 438 taxable value certified by the appraiser pursuant to s.  
 439 193.122(2) or (3), if applicable, since the prior certification  
 440 under sub-subparagraph 1.a. This is the certification that  
 441 reflects all final administrative actions of the value  
 442 adjustment board.

443 (5) DISCRETIONARY MILLAGE COMPRESSION SUPPLEMENT.—The  
 444 Legislature shall prescribe in the General Appropriations Act,  
 445 pursuant to s. 1011.71(1), the rate of nonvoted current  
 446 operating discretionary millage that shall be used to calculate  
 447 a discretionary millage compression supplement. If the  
 448 prescribed millage generates an amount of funds per unweighted  
 449 FTE for the district that is less than 105 percent of the state  
 450 average, the district shall receive an amount per FTE that, when  
 451 added to the funds per FTE generated by the designated levy,  
 452 shall equal 105 percent of the state average.

453 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

454 (b) The district sparsity index shall be computed by  
 455 dividing the total number of full-time equivalent students in  
 456 all programs in the district by the number of senior high school  
 457 centers in the district, not in excess of three, which centers  
 458 are approved as permanent centers by a survey made by the  
 459 Department of Education. In districts with a full-time  
 460 equivalent student membership of at least 20,000, but no more  
 461 than 24,000, the index shall be computed by dividing the total  
 462 number of full-time equivalent students in all programs by the  
 463 number of permanent senior high school centers in the district,  
 464 not to exceed four.

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465 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—  
 466 (a) The research-based reading instruction allocation is  
 467 created to provide comprehensive reading instruction to students  
 468 in kindergarten through grade 12. For the 2014-2015, 2015-2016,  
 469 2016-2017, and 2017-2018 fiscal years ~~year~~, in each school  
 470 district that has one or more of the 300 lowest-performing  
 471 elementary schools based on the state reading assessment,  
 472 priority shall be given to providing an additional hour per day  
 473 of intensive reading instruction beyond the normal school day  
 474 for each day of the entire school year, and provide the  
 475 equivalent hours of instruction in a summer program, for the  
 476 students in each school. In the subsequent year, if a  
 477 participating school is no longer classified as one of the 300  
 478 lowest-performing elementary schools, the school must continue  
 479 to provide the additional hour of instruction to all students  
 480 who have Level 1 or Level 2 reading assessment scores. Students  
 481 enrolled in these schools who have level 5 assessment scores may  
 482 participate in the additional hour of instruction on an optional  
 483 basis. Exceptional student education centers may ~~shall~~ not be  
 484 included in the 300 schools. The intensive reading instruction  
 485 delivered in this additional hour and for other students shall  
 486 include: research-based reading instruction that has been proven  
 487 to accelerate progress of students exhibiting a reading  
 488 deficiency; differentiated instruction based on student  
 489 assessment data to meet students' specific reading needs;  
 490 explicit and systematic reading development in phonemic  
 491 awareness, phonics, fluency, vocabulary, and comprehension, with  
 492 more extensive opportunities for guided practice, error  
 493 correction, and feedback; and the integration of social studies,

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494 science, and mathematics-text reading, text discussion, and  
 495 writing in response to reading. ~~For the 2012-2013 and 2013-2014~~  
 496 ~~fiscal years, a school district may not hire more reading~~  
 497 ~~coaches than were hired during the 2011-2012 fiscal year unless~~  
 498 ~~all students in kindergarten through grade 5 who demonstrate a~~  
 499 ~~reading deficiency, as determined by district and state~~  
 500 ~~assessments, including students scoring Level 1 or Level 2 on~~  
 501 ~~the statewide, standardized reading assessment or, upon~~  
 502 ~~implementation, the English Language Arts assessment, are~~  
 503 ~~provided an additional hour per day of intensive reading~~  
 504 ~~instruction beyond the normal school day for each day of the~~  
 505 ~~entire school year.~~

506 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may  
 507 annually provide in the Florida Education Finance Program a  
 508 virtual education contribution. The amount of the virtual  
 509 education contribution shall be the difference between the  
 510 amount per FTE established in the General Appropriations Act for  
 511 virtual education and the amount per FTE for each district and  
 512 the Florida Virtual School, which may be calculated by taking  
 513 the sum of the base FEFP allocation, the declining enrollment  
 514 supplement, the discretionary local effort, the state-funded  
 515 discretionary contribution, the discretionary millage  
 516 compression supplement, the research-based reading instruction  
 517 allocation, the ESE guaranteed allocation, and the instructional  
 518 materials allocation, and then dividing by the total unweighted  
 519 FTE. This difference shall be multiplied by the virtual  
 520 education unweighted FTE for programs and options identified in  
 521 s. 1002.455(3) and the Florida Virtual School and its franchises  
 522 to equal the virtual education contribution and shall be

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523 included as a separate allocation in the funding formula.

524 (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally  
 525 connected student supplement is created to provide supplemental  
 526 funding for school districts to support the education of  
 527 students connected with federally owned military installations,  
 528 National Aeronautics and Space Administration (NASA) property,  
 529 and Indian lands. To be eligible for this supplement, the  
 530 district must also be eligible for federal Impact Aid program  
 531 funds pursuant to Title VIII of the Elementary and Secondary  
 532 Education Act of 1965. The supplement shall be the sum of the  
 533 student allocation and an exempt property allocation.

534 (a) The student allocation shall be calculated based on the  
 535 number of students reported for federal Impact Aid program  
 536 funds, including students with disabilities, who meet one of the  
 537 following criteria:

538 1. Resides with a parent who is on active duty in the  
 539 uniformed services or is an accredited foreign government  
 540 official and military officer. Students with disabilities shall  
 541 also be reported separately for this condition.

542 2. Resides on eligible federally owned Indian lands.  
 543 Students with disabilities shall also be reported separately for  
 544 this condition.

545 3. Resides with a civilian parent who lives or works on  
 546 eligible federal property connected with a military installation  
 547 or NASA. The number of these students shall be multiplied by a  
 548 factor of 0.5.

549 (b) The total number of federally connected students  
 550 calculated under paragraph (a) shall be multiplied by a  
 551 percentage of the base student allocation as provided in the

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552 General Appropriations Act. The total of the number of students  
 553 with disabilities as reported separately under subparagraphs  
 554 (a)1. and (a)2. shall be multiplied by an additional percentage  
 555 of the base student allocation as provided in the General  
 556 Appropriations Act. The base amount and the students-with-  
 557 disabilities amount shall be summed to provide the student  
 558 allocation.

559 (c) The exempt-property allocation shall be equal to the  
 560 tax-exempt value of federal Impact Aid lands reserved as  
 561 military installations, real property owned by NASA, or eligible  
 562 federally owned Indian lands located in the district, as of  
 563 January 1 of the previous year, multiplied by the millage  
 564 authorized and levied under s. 1011.71(2).

565 (14)~~(13)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may  
 566 annually in the General Appropriations Act determine a  
 567 percentage increase in funds per K-12 unweighted FTE as a  
 568 minimum guarantee to each school district. The guarantee shall  
 569 be calculated from prior year base funding per unweighted FTE  
 570 student which shall include the adjusted FTE dollars as provided  
 571 in subsection ~~(15)~~ ~~(14)~~, quality guarantee funds, and actual  
 572 nonvoted discretionary local effort from taxes. From the base  
 573 funding per unweighted FTE, the increase shall be calculated for  
 574 the current year. The current year funds from which the  
 575 guarantee shall be determined shall include the adjusted FTE  
 576 dollars as provided in subsection ~~(15)~~ ~~(14)~~ and potential  
 577 nonvoted discretionary local effort from taxes. A comparison of  
 578 current year funds per unweighted FTE to prior year funds per  
 579 unweighted FTE shall be computed. For those school districts  
 580 which have less than the legislatively assigned percentage

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581 increase, funds shall be provided to guarantee the assigned  
582 percentage increase in funds per unweighted FTE student. Should  
583 appropriated funds be less than the sum of this calculated  
584 amount for all districts, the commissioner shall prorate each  
585 district's allocation. This provision shall be implemented to  
586 the extent specifically funded.

587 Section 8. Subsection (1) of section 1011.71, Florida  
588 Statutes, is amended to read:

589 1011.71 District school tax.-

590 (1) If the district school tax is not provided in the  
591 General Appropriations Act or the substantive bill implementing  
592 the General Appropriations Act, each district school board  
593 desiring to participate in the state allocation of funds for  
594 current operation as prescribed by s. 1011.62(15) ~~s. 1011.62(14)~~  
595 shall levy on the taxable value for school purposes of the  
596 district, exclusive of millage voted under the provisions of s.  
597 9(b) or s. 12, Art. VII of the State Constitution, a millage  
598 rate not to exceed the amount certified by the commissioner as  
599 the minimum millage rate necessary to provide the district  
600 required local effort for the current year, pursuant to s.  
601 1011.62(4)(a)1. In addition to the required local effort millage  
602 levy, each district school board may levy a nonvoted current  
603 operating discretionary millage. The Legislature shall prescribe  
604 annually in the appropriations act the maximum amount of millage  
605 a district may levy.

606 Section 9. Paragraph (b) of subsection (2) of section  
607 1004.92, Florida Statutes, is amended to read:

608 1004.92 Purpose and responsibilities for career education.-

609 (2)

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610 (b) Department of Education accountability for career  
611 education includes, but is not limited to:

612 1. The provision of timely, accurate technical assistance  
613 to school districts and Florida College System institutions.

614 2. The provision of timely, accurate information to the  
615 State Board of Education, the Legislature, and the public.

616 3. The development of policies, rules, and procedures that  
617 facilitate institutional attainment of the accountability  
618 standards and coordinate the efforts of all divisions within the  
619 department.

620 4. The development of program standards and industry-driven  
621 benchmarks for career, adult, and community education programs,  
622 which must be updated every 3 years. The standards must include  
623 career, academic, and workplace skills; viability of distance  
624 learning for instruction; ~~and~~ work/learn cycles that are  
625 responsive to business and industry; and reflect the quality  
626 components of a career and technical education program. The  
627 State Board of Education shall adopt rules to administer this  
628 section.

629 5. Overseeing school district and Florida College System  
630 institution compliance with the provisions of this chapter.

631 6. Ensuring that the educational outcomes for the technical  
632 component of career programs are uniform and designed to provide  
633 a graduate who is capable of entering the workforce on an  
634 equally competitive basis regardless of the institution of  
635 choice.

636 Section 10. Present subsections (5) and (6) of section  
637 1006.735, Florida Statutes, are redesignated as subsections (6)  
638 and (7), respectively, and a new subsection (5) is added to that

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639 section, to read:

640 1006.735 Complete Florida Plus Program.—The Complete  
641 Florida Plus Program is created at the University of West  
642 Florida.

643 (5) RAPID RESPONSE EDUCATION AND TRAINING PROGRAM.—The  
644 Rapid Response Education and Training Program is established  
645 within the Complete Florida Plus Program. Under the Rapid  
646 Response Education and Training Program, the Complete Florida  
647 Plus Program shall work directly with Enterprise Florida, Inc.,  
648 in project-specific industry recruitment and retention efforts  
649 to offer education and training programs to businesses'  
650 employees.

651 (a) The Rapid Response Education and Training Program must:

652 1. Issue challenge grants through requests for proposals  
653 that are open to all education and training providers, public or  
654 private. These grants match state funding with education and  
655 training provider funds to implement particular education and  
656 training programs.

657 2. Generate periodic reports from an independent forensic  
658 accounting or auditing entity to ensure transparency of the  
659 program. These periodic reports must be submitted to the  
660 President of the Senate and the Speaker of the House of  
661 Representatives.

662 3. Keep administrative costs to a minimum through the use  
663 of existing organizational structures.

664 4. Work directly with businesses to recruit individuals for  
665 education and training.

666 5. Be able to terminate an education and training program  
667 by giving 30 days' notice.

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668 6. Survey employers after completion of an education and  
669 training program to ascertain the effectiveness of the program.

670 (b) The Division of Career and Adult Education within the  
671 Department of Education shall conduct an analysis and assessment  
672 of the effectiveness of the education and training programs  
673 under this section in meeting labor market and occupational  
674 trends and gaps.

675 Section 11. Subsections (3) and (4) of section 1001.7065,  
676 Florida Statutes, are amended to read:

677 1001.7065 Preeminent state research universities program.—

678 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—The  
679 Board of Governors shall designate each state research  
680 university that meets at least 11 of the 12 academic and  
681 research excellence standards identified in subsection (2) and  
682 that enters into and maintains a formal agreement with the  
683 National Merit Scholarship Corporation to offer college-  
684 sponsored merit scholarship awards a preeminent state research  
685 university.

686 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR  
687 ONLINE LEARNING.—A state research university that, as of July 1,  
688 2013, ~~met~~ meets all 12 of the academic and research excellence  
689 standards identified in subsection (2), as verified by the Board  
690 of Governors, shall establish an institute for online learning.  
691 Continuation of the institute for online learning is contingent  
692 upon a state research university entering into and maintaining a  
693 formal agreement with the National Merit Scholarship Corporation  
694 to offer college-sponsored merit scholarship awards. The  
695 institute shall establish a robust offering of high-quality,  
696 fully online baccalaureate degree programs at an affordable cost

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697 in accordance with this subsection.

698 (a) By August 1, 2013, the Board of Governors shall convene  
699 an advisory board to support the development of high-quality,  
700 fully online baccalaureate degree programs at the university.

701 (b) The advisory board shall:

702 1. Offer expert advice, as requested by the university, in  
703 the development and implementation of a business plan to expand  
704 the offering of high-quality, fully online baccalaureate degree  
705 programs.

706 2. Advise the Board of Governors on the release of funding  
707 to the university upon approval by the Board of Governors of the  
708 plan developed by the university.

709 3. Monitor, evaluate, and report on the implementation of  
710 the plan to the Board of Governors, the Governor, the President  
711 of the Senate, and the Speaker of the House of Representatives.

712 (c) The advisory board shall be composed of the following  
713 five members:

714 1. The chair of the Board of Governors or the chair's  
715 permanent designee.

716 2. A member with expertise in online learning, appointed by  
717 the Board of Governors.

718 3. A member with expertise in global marketing, appointed  
719 by the Governor.

720 4. A member with expertise in cloud virtualization,  
721 appointed by the President of the Senate.

722 5. A member with expertise in disruptive innovation,  
723 appointed by the Speaker of the House of Representatives.

724 (d) The president of the university shall be consulted on  
725 the advisory board member appointments.

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726 (e) A majority of the advisory board shall constitute a  
727 quorum, elect the chair, and appoint an executive director.

728 (f) By September 1, 2013, the university shall submit to  
729 the advisory board a comprehensive plan to expand high-quality,  
730 fully online baccalaureate degree program offerings. The plan  
731 shall include:

732 1. Existing on-campus general education courses and  
733 baccalaureate degree programs that will be offered online.

734 2. New courses that will be developed and offered online.

735 3. Support services that will be offered to students  
736 enrolled in online baccalaureate degree programs.

737 4. A tuition and fee structure that meets the requirements  
738 in paragraph (k) for online courses, baccalaureate degree  
739 programs, and student support services.

740 5. A timeline for offering, marketing, and enrolling  
741 students in the online baccalaureate degree programs.

742 6. A budget for developing and marketing the online  
743 baccalaureate degree programs.

744 7. Detailed strategies for ensuring the success of students  
745 and the sustainability of the online baccalaureate degree  
746 programs.

747  
748 Upon recommendation of the plan by the advisory board and  
749 approval by the Board of Governors, the Board of Governors shall  
750 award the university \$10 million in nonrecurring funds and \$5  
751 million in recurring funds for fiscal year 2013-2014 and \$5  
752 million annually thereafter, subject to appropriation in the  
753 General Appropriations Act.

754 (g) Beginning in January 2014, the university shall offer

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755 high-quality, fully online baccalaureate degree programs that:

756 1. Accept full-time, first-time-in-college students.  
757 2. Have the same rigorous admissions criteria as equivalent  
758 on-campus degree programs.

759 3. Offer curriculum of equivalent rigor to on-campus degree  
760 programs.

761 4. Offer rolling enrollment or multiple opportunities for  
762 enrollment throughout the year.

763 5. Do not require any on-campus courses. However, for  
764 courses or programs that require clinical training or  
765 laboratories that cannot be delivered online, the university  
766 shall offer convenient locational options to the student, which  
767 may include, but are not limited to, the option to complete such  
768 requirements at a summer-in-residence on the university campus.  
769 The university may provide a network of sites at convenient  
770 locations and contract with commercial testing centers or  
771 identify other secure testing services for the purpose of  
772 proctoring assessments or testing.

773 6. Apply the university's existing policy for accepting  
774 credits for both freshman applicants and transfer applicants.

775 (h) The university may offer a fully online Master's in  
776 Business Administration degree program and other master's degree  
777 programs.

778 (i) The university may develop and offer degree programs  
779 and courses that are competency based as appropriate for the  
780 quality and success of the program.

781 (j) The university shall periodically expand its offering  
782 of online baccalaureate degree programs to meet student and  
783 market demands.

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784 (k) The university shall establish a tuition structure for  
785 its online institute in accordance with this paragraph,  
786 notwithstanding any other provision of law.

787 1. For students classified as residents for tuition  
788 purposes, tuition for an online baccalaureate degree program  
789 shall be set at no more than 75 percent of the tuition rate as  
790 specified in the General Appropriations Act pursuant to s.  
791 1009.24(4) and 75 percent of the tuition differential pursuant  
792 to s. 1009.24(16). No distance learning fee, fee for campus  
793 facilities, or fee for on-campus services may be assessed,  
794 except that online students shall pay the university's  
795 technology fee, financial aid fee, and Capital Improvement Trust  
796 Fund fee. The revenues generated from the Capital Improvement  
797 Trust Fund fee shall be dedicated to the university's institute  
798 for online learning.

799 2. For students classified as nonresidents for tuition  
800 purposes, tuition may be set at market rates in accordance with  
801 the business plan.

802 3. Tuition for an online degree program shall include all  
803 costs associated with instruction, materials, and enrollment,  
804 excluding costs associated with the provision of textbooks  
805 pursuant to s. 1004.085 and physical laboratory supplies.

806 4. Subject to the limitations in subparagraph 1., tuition  
807 may be differentiated by degree program as appropriate to the  
808 instructional and other costs of the program in accordance with  
809 the business plan. Pricing must incorporate innovative  
810 approaches that incentivize persistence and completion,  
811 including, but not limited to, a fee for assessment, a bundled  
812 or all-inclusive rate, and sliding scale features.

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813 5. The university must accept advance payment contracts and  
814 student financial aid.

815 6. Fifty percent of the net revenues generated from the  
816 online institute of the university shall be used to enhance and  
817 enrich the online institute offerings, and 50 percent of the net  
818 revenues generated from the online institute shall be used to  
819 enhance and enrich the university's campus state-of-the-art  
820 research programs and facilities.

821 7. The institute may charge additional local user fees  
822 pursuant to s. 1009.24(14) upon the approval of the Board of  
823 Governors.

824 8. The institute shall submit a proposal to the president  
825 of the university authorizing additional user fees for the  
826 provision of voluntary student participation in activities and  
827 additional student services.

828 Section 12. (1) The State University System Performance-  
829 Based Incentive shall be based on indicators of institutional  
830 attainment of performance metrics adopted by the Board of  
831 Governors. The performance-based funding metrics shall include,  
832 but are not limited to, metrics that measure graduation and  
833 retention rates; degree production; affordability;  
834 postgraduation employment, salaries, or further education;  
835 student loan default rates; access; and any other metrics  
836 approved by the board.

837 (2) The Board of Governors shall evaluate the institutions'  
838 performance on the metrics based on benchmarks adopted by the  
839 board which measure the achievement of institutional excellence  
840 or improvement. Each fiscal year, the amount of funds available  
841 for allocation to the institutions based on the performance

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842 funding model shall consist of the state's investment in  
843 performance funding, plus an institutional investment consisting  
844 of funds to be redistributed from the base funding of the State  
845 University System, as determined in the General Appropriations  
846 Act. The institutional investment shall be restored for all  
847 institutions eligible for the state's investment under the  
848 performance funding model. Any institution that fails to meet  
849 the board's minimum performance funding threshold will not be  
850 eligible for the state's investment, will have a portion of its  
851 institutional investment withheld, and must submit an  
852 improvement plan to the board that specifies the activities and  
853 strategies for improving the institution's performance.

854 (3) The Board of Governors must review the improvement  
855 plan, and if approved, must monitor the institution's progress  
856 on implementing the specified activities and strategies. The  
857 institutions shall submit monitoring reports to the board no  
858 later than December 31 and May 31 of each year.

859 (4) The Chancellor of the State University System shall  
860 withhold disbursement of the institutional investment until such  
861 time as the monitoring report for the institution is approved by  
862 the Board of Governors. Any institution that fails to make  
863 satisfactory progress will not have its full institutional  
864 investment restored. If all institutional investment funds are  
865 not restored, any remaining funds shall be redistributed in  
866 accordance with the board's performance funding model.

867 (5) By October 1 of each year, the Board of Governors shall  
868 submit to the Governor, the President of the Senate, and the  
869 Speaker of the House of Representatives a report on the previous  
870 year's performance funding allocation which reflects the

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871 rankings and award distributions.

872 (6) The Board of Governors shall adopt a regulation to  
873 implement this section.

874 Section 13. (1) The Florida College System Performance-  
875 Based Incentive shall be based on indicators of institutional  
876 attainment of performance metrics adopted by the State Board of  
877 Education. The performance-based funding metrics shall include,  
878 but are not limited to, metrics that measure retention; program  
879 completion and graduation rates; student loan default rates; job  
880 placement; and postgraduation employment, salaries, or further  
881 education.

882 (2) The State Board of Education shall evaluate the  
883 institutions' performance on the metrics based on benchmarks  
884 adopted by the board which measure the achievement of  
885 institutional excellence or improvement. Each fiscal year, the  
886 amount of funds available for allocation to the institutions  
887 based on the performance funding model shall consist of the  
888 state's investment in performance funding plus an institutional  
889 investment consisting of funds to be redistributed from the base  
890 funding of the Florida College System Program Fund, as  
891 determined in the General Appropriations Act. The institutional  
892 investment shall be restored for all institutions eligible for  
893 the state's investment under the performance funding model. Any  
894 institution that fails to meet the board's minimum performance  
895 funding threshold will not be eligible for the state's  
896 investment, will have a portion of its institutional investment  
897 withheld, and must submit an improvement plan to the board that  
898 specifies the activities and strategies for improving the  
899 institution's performance.

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900 (3) The State Board of Education must review the  
901 improvement plan, and if approved, must monitor the  
902 institution's progress on implementing the specified activities  
903 and strategies. The institutions shall submit monitoring reports  
904 to the board no later than December 31 and May 31 of each year.

905 (4) The Commissioner of Education shall withhold  
906 disbursement of the institutional investment until such time as  
907 the monitoring report for the institution is approved by the  
908 State Board of Education. Any institution that fails to make  
909 satisfactory progress will not have its full institutional  
910 investment restored. If all institutional investment funds are  
911 not restored, any remaining funds shall be redistributed in  
912 accordance with the board's performance funding model.

913 (5) By October 1 of each year, the State Board of Education  
914 shall submit to the Governor, the President of the Senate, and  
915 the Speaker of the House of Representatives a report on the  
916 previous year's performance funding allocation which reflects  
917 the rankings and award distributions.

918 (6) The State Board of Education shall adopt rules to  
919 implement this section.

920 Section 14. Section 1012.731, Florida Statutes, is created  
921 to read:

922 1012.731 The Florida Best and Brightest Teacher Scholarship  
923 Program.—

924 (1) The Legislature recognizes that, second only to  
925 parents, teachers play the most critical role in preparing  
926 students to achieve a high level of academic performance. The  
927 Legislature further recognizes that research has linked student  
928 outcomes to a teacher's own academic achievement. Therefore, it

Page 32 of 33

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

589-02765A-15

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929 is the intent of the Legislature to designate teachers who have  
930 achieved high academic standards during their own education as  
931 Florida's best and brightest teacher scholars.

932 (2) There is created the Florida Best and Brightest Teacher  
933 Scholarship Program to be administered by the Department of  
934 Education. Beginning in the 2015-2016 school year, categorical  
935 funds may be appropriated, as provided in the General  
936 Appropriations Act, to award scholarships to teachers who have  
937 demonstrated a high level of academic achievement.

938 (3) The State Board of Education shall adopt rules to  
939 implement the program, which must include, but are not limited  
940 to:

941 (a) Timeframes and requirements for submitting reports.

942 (b) Eligibility criteria for receiving the scholarship.

943 (c) Requirements for distributing scholarship funds.

944 Section 15. This act shall take effect July 1, 2015.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/8/2015  
Meeting Date

SB 948  
Bill Number (if applicable)

Topic SB948

Amendment Barcode (if applicable)

Name Sara Clements

Job Title Legislative Director

Address 215 S. Monroe St.

Phone 850-391-0329

Street

TLH

City

FL

State

32301

Zip

Email Sara@afloida-promiss.org

Speaking:  For  Against  Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/8

Meeting Date

SB948

Bill Number (if applicable)

Topic Textbook Affordability

Amendment Barcode (if applicable)

Name Stefano Cavallo

Job Title Chairman, FL Students Assoc

Address 606 W. 52 Avenue 52

Phone \_\_\_\_\_

Street

Tallahassee

City

FL

State

32301

Zip

Email s.cavallo@my.fsu.edu

Speaking:  For  Against  Information

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

Representing Florida Student 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**

3

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

4/8/15  
Meeting Date

948  
Bill Number (if applicable)

449092  
Amendment Barcode (if applicable)

Topic Affordability Language in Amendment

Name Marshall Ogletree

Job Title Interim Executive Director

Address 306 E. Park Ave

Phone (850) 224-8220

Street  
Tallahassee FL 32301  
City State Zip

Email marshall.ogletree@floridaea.org

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/18/15

Meeting Date

948

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Jim Morne

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

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

Phone 904-759-4596

City

State

Zip

Email JMorne@strategasgroup.com

Speaking:  For  Against  Information

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

Representing AIF

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: SB 888

INTRODUCER: Senator Detert

SUBJECT: Educator Professional Practices

DATE: April 7, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<b>Favorable</b>
3.	_____	_____	<u>FP</u>	_____

---

**I. Summary:**

SB 888 modifies the membership of the Education Practices Commission (EPC).

Additionally, the bill:

- Adds Department of Education (DOE) employees and agents, who investigate or prosecute educator misconduct, to the list of individuals authorized to access records relating to child abuse, abandonment, or neglect.
- Authorizes the Commissioner of Education to issue a letter of guidance to an educator in lieu of finding probable cause to prosecute misconduct.

The bill has a minimal fiscal impact associated with the five new emeritus members which may be appointed to the EPC.

The bill provides an effective date of July 1, 2015.

**II. Present Situation:**

Florida law requires that each person<sup>1</sup> in a position who provides direct instruction to students meet the state's educator certification requirements and criteria.

---

<sup>1</sup> Such persons include instructional personnel (e.g., classroom teachers, student advisors, or certified school counselors) or administrative personnel (e.g., deputy superintendents, school principals, or assistance principals). Section 1012.01(2)-(3), F.S.

## Education Practices Commission

### *Membership*

The Education Practices Commission (EPC) consists of 25 members including:<sup>2</sup>

- Eight teachers;
- Five administrators, at least one of whom must represent a private school;
- Seven lay citizens, five of whom must be parents of public school students with no family relation to a public school employee and two of whom must be former district school board members; and
- Five sworn law enforcement officials.

The members are appointed by the State Board of Education (state board) based upon nominations made by the Commissioner of Education (commissioner), subject to confirmation by the Florida Senate.<sup>3</sup> Teachers, school administrators, and lay citizens who wish to serve on the EPC must be Florida residents to be appointed; however, law enforcement officials are not required to be Florida residents, but they must have expertise in child safety.<sup>4</sup>

### *Duties and Responsibilities*

The EPC interprets and applies the standards<sup>5</sup> of professional practice established by the state board; revokes or suspends educator certificates, or takes other disciplinary action, for misconduct; reports to and meets with the state board; and adopts rules.<sup>6</sup>

The Department of Education (DOE) is required to investigate legally sufficient<sup>7</sup> complaints of misconduct<sup>8</sup> committed by certified educators and advise the commissioner on whether probable cause exists.<sup>9</sup> Upon a finding of probable cause, the commissioner must file a formal complaint and prosecute the complaint pursuant to chapter 120, F.S.<sup>10</sup> An administrative law judge assigned to hear the complaint makes recommendations to the EPC for review and preparation of final order issued by a panel of five EPC members.<sup>11</sup> Unless the complaint involves a felony or crime of moral turpitude, the commissioner may enter into a deferred prosecution agreement with the

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<sup>2</sup> Section 1012.79(1), F.S.

<sup>3</sup> *Id.* Before making nominations, the Commissioner must consult with teaching associations, parent organizations, law enforcement agencies, and other involved associations in the state. *Id.*

<sup>4</sup> Section 1012.79(1)(a)-(d), F.S.

<sup>5</sup> Code of Ethics of the Education Profession in Florida, Rule 6A-10.080, F.A.C., and Principles of Professional Conduct for the Education Profession in Florida, Rule 6A-10.081, F.A.C. available at <http://www.fldoe.org/teaching/professional-practices/code-of-ethics-principles-of-professio.stml> (last visited March 25, 2015).

<sup>6</sup> Sections 1012.79(7) and 1012.795(1), F.S. A district school board retains its authority to discipline teachers and administrators. Section 1012.79(8)(b), F.S.

<sup>7</sup> Section 1012.796(1)(a), F.S. The complaint is legally sufficient if it contains ultimate facts showing a violation has occurred. *Id.* and s. 1012.795, F.S.

<sup>8</sup> Misconduct may include fraudulently obtaining an educator certificate, knowingly failing to report actual or suspected child abuse, or breach of contract. Section 1012.795(1), F.S.

<sup>9</sup> Section 1012.796(3), F.S.

<sup>10</sup> *Id.* at (6).

<sup>11</sup> Sections 1012.79(8)(a), 1012.795(6), and 1012.796(1), F.S. In 2014, 16 of the 19 hearings involved teacher misconduct. Florida Department of Education, Division of K-12 Educator Quality, *2015 Agency Legislative Bill Analysis* for HB 587 (March 16, 2015) at 2, on file with the Committee on Education Pre-K – 12.

certified educator in lieu of finding probable cause.<sup>12</sup> If the commissioner does not find probable cause, the complaint must be dismissed.<sup>13</sup>

### **Reports of Child Abuse, Abandonment, or Neglect**

Any person who knows, or has reason to suspect, that a child is abused, abandoned, or neglected must report such knowledge or suspicion to the Department of Children and Families (DCF).<sup>14</sup> School teachers and other school officials or personnel are required to make such reports and the failure to do so is a felony of the third degree.<sup>15</sup>

Records held by the DCF regarding such reports, including reports made to the Central Abuse Hotline, are confidential and exempt from public records requirements, unless specifically authorized in law.<sup>16</sup> Access to records, excluding the name of the person reporting abuse, is granted to a limited list of persons, officials, and agencies (*e.g.*, Department of Health employees responsible for child protective investigations, criminal justice agencies, or school district employees designated as a liaison between the school district and DCF).<sup>17</sup>

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

The bill modifies the membership of the Education Practices Commission (EPC); adds Department of Education (DOE) employees and agents, who investigate or prosecute educator misconduct, to the list of individuals authorized to access records relating to child abuse, abandonment, or neglect; and authorizes the Commissioner of Education (commissioner) to issue a letter of guidance to an educator in lieu of finding probable cause to prosecute misconduct.

#### **EPC Membership**

The bill diversifies the representation on the EPC by including virtual school administrators, former charter school governing board members, and public school officials, while also ensuring that members are citizens of the state. Specifically, the bill makes the following revisions to EPC membership:

- Redistributes the number of teacher, lay citizen, and sworn law enforcement members while retaining the existing number of members (25) as follows:
  - The number of teacher members is increased from 8 to 10.
  - The number of lay citizen members is reduced from 7 to 4, all of whom must be parents of public school students.
  - The number of sworn law enforcement officials is reduced from 5 to 4.
- Revises the membership to include:

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<sup>12</sup> Section 1012.796(3), F.S. An educator may be directed to participate through a deferred prosecution agreement or final order of the EPC in the recovery network program for assistance in obtaining treatment and services for alcohol abuse, drug abuse, or a mental condition. Section 1012.798(1), F.S. Voluntary participation in the program may be considered as a mitigating factor or a condition of disciplinary action. *Id.* at (5).

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

<sup>14</sup> Section 39.201(1), F.S.

<sup>15</sup> Sections 39.201(1)(d) and 39.205(2), F.S.

<sup>16</sup> Sections 39.202(1) and 39.2021(1), F.S.

<sup>17</sup> Section 39.202(2), F.S.

- Former charter governing board members or former superintendents, assistant superintendents, or deputy superintendents.
- Virtual school administrators.
- Requires all members to be Florida residents.
- Authorizes the commissioner, upon request or recommendation from the EPC, to appoint up to 5 emeritus members from previous membership of the EPC to serve 1-year terms and who:
  - May serve up to five 1-year terms;
  - Are voting members for discipline hearings; and
  - Are consulting, nonvoting members for business meetings.

### **Letter of Guidance**

The bill authorizes the commissioner to issue a letter of guidance to a certified educator who has had a complaint of misconduct filed against him or her, rather than finding probable cause to prosecute. The bill may provide the commissioner with more flexibility in determining the course of action to take regarding complaints of educator misconduct by permitting him or her to issue a letter of guidance if deemed more appropriate under the circumstances.

### **Records of Child Abuse, Abandonment, or Neglect**

In addition to other individuals and agencies authorized by law,<sup>18</sup> the bill authorizes the Department of Children and Families to release records pertaining to child abuse, abandonment, or neglect, which are otherwise confidential and exempt from public records requirements, to DOE employees or agents who investigate or prosecute misconduct by certified educators. The bill may assist the DOE in its investigations of educator misconduct.

The bill provides for an effective date of July 1, 2015.

## **IV. Constitutional Issues:**

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

None.

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

None.

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

None.

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<sup>18</sup> Section 39.202(2), F.S.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

According to the Department of Education, under SB 888, the Education Practices Commission would incur minimal additional operational expenses to cover the estimated costs for travel and training of emeritus members.<sup>19</sup> The additional training and travel costs for adding five emeritus members are estimated at \$3,500 per year. These costs are funded through the Education Certification and Service Trust Fund and can be absorbed within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 39.202, 1012.79, and 1012.796.

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

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

None.

**B. Amendments:**

None.

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

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<sup>19</sup> Florida Department of Education, Division of K-12 Educator Quality, *2015 Agency Legislative Bill Analysis* for HB 587 (March 16, 2015; on file with the Committee on Education Pre-K – 12). As of the date of this committee staff analysis, an agency analysis has not been submitted for SB 888.



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/08/2015	.	
	.	
	.	
	.	

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Appropriations Subcommittee on Education (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 30 - 98

and insert:

Section 2. Section 1012.731, Florida Statutes, is created to read:

1012.731 The Florida Best and Brightest Teacher Scholarship Program.—

(1) The Legislature recognizes that, second only to parents, teachers play the most critical role in preparing



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11 students to achieve a high level of academic performance in  
12 school. The Legislature further recognizes that research has  
13 linked student outcomes to a teacher's own academic achievement.  
14 Therefore, it is the intent of the Legislature to designate  
15 teachers who have achieved high academic standards during their  
16 own education as Florida's best and brightest teacher scholars.

17 (2) There is created the Florida Best and Brightest Teacher  
18 Scholarship Program to be administered by the Department of  
19 Education. Beginning in the 2015-2016 school year, the  
20 scholarship program shall provide categorical funding for  
21 scholarships to be awarded to teachers who have demonstrated a  
22 high level of academic achievement.

23 (3) (a) To be eligible for a scholarship, a teacher:

24 1. Must have scored at or above the 80th percentile on  
25 either the SAT or the ACT, based upon the percentile ranks in  
26 effect when the teacher took the assessment, and have been  
27 evaluated as highly effective pursuant to s. 1012.34; or

28 2. If the teacher is a first-year teacher who has not been  
29 evaluated pursuant to s. 1012.34, must have scored at or above  
30 the 80th percentile on either the SAT or the ACT, based upon the  
31 percentile ranks in effect when the teacher took the assessment.

32 (b) In order to demonstrate eligibility for an award, an  
33 eligible teacher must submit to the school district no later  
34 than October 1 an official record of his or her SAT or ACT score  
35 demonstrating that the teacher scored at or above the 80th  
36 percentile, based upon the percentile ranks in effect when the  
37 teacher took the assessment. Once a teacher is deemed eligible  
38 by the school district, the teacher shall remain eligible as  
39 long as he or she is employed by the school district and



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40 maintains or, if the teacher is a first-year teacher, earns the  
41 evaluation designation of highly effective pursuant to s.  
42 1012.34.

43 (4) Annually, by December 1, each school district shall  
44 submit to the department the number of eligible teachers who  
45 qualify for the scholarship.

46 (5) Annually, by February 1, the department shall disburse  
47 scholarship funds, in an amount prescribed annually by the  
48 Legislature in the General Appropriations Act, to each school  
49 district for each eligible teacher to receive a scholarship. If  
50 the number of eligible teachers exceeds the total appropriation  
51 authorized in the General Appropriation Act, the department  
52 shall prorate the per teacher scholarship amount.

53 (6) Annually, by April 1, each school district shall  
54 provide payment of the scholarship to each eligible teacher.

55 (7) For purposes of this section, the term "school  
56 district" includes the Florida School for the Deaf and the Blind  
57 and charter school governing boards.

58 Section 3. Subsection (3) of section 1012.39, Florida  
59 Statutes, is amended to read:

60 1012.39 Employment of substitute teachers, teachers of  
61 adult education, nondegreed teachers of career education, and  
62 career specialists; students performing clinical field  
63 experience.-

64 (3) A student who is enrolled in a state-approved teacher  
65 preparation program in a postsecondary educational institution  
66 that is approved by rules of the State Board of Education and  
67 who is jointly assigned by the postsecondary educational  
68 institution and a district school board to perform a clinical



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69 field experience under the direction of a regularly employed and  
70 certified educator shall, while serving such supervised clinical  
71 field experience, be accorded the same protection of law as that  
72 accorded to the certified educator except for the right to  
73 bargain collectively as an employee of the district school  
74 board. The district school board providing the clinical field  
75 experience shall notify the student electronically or in writing  
76 of the availability of educator liability insurance under s.  
77 1012.75. A postsecondary educational institution or district  
78 school board may not require a student enrolled in a state-  
79 approved teacher preparation program to purchase liability  
80 insurance as a condition of participation in any clinical field  
81 experience or related activity on the premises of an elementary  
82 or secondary school.

83 Section 4. Section 1012.75, Florida Statutes, is amended to  
84 read:

85 1012.75 Liability of teacher or principal; ~~excessive~~  
86 ~~force.~~-

87 (1) Except in the case of excessive force or cruel and  
88 unusual punishment, a teacher or other member of the  
89 instructional staff, a principal or the principal's designated  
90 representative, or a bus driver shall not be civilly or  
91 criminally liable for any action carried out in conformity with  
92 State Board of Education and district school board rules  
93 regarding the control, discipline, suspension, and expulsion of  
94 students, including, but not limited to, any exercise of  
95 authority under s. 1003.32 or s. 1006.09.

96 (2) The State Board of Education shall adopt rules that  
97 outline administrative standards for the use of reasonable force



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98 by school personnel to maintain a safe and orderly learning  
99 environment. Such standards shall be distributed to each school  
100 in the state and shall provide guidance to school personnel in  
101 receiving the limitations on liability specified in this  
102 section.

103 (3) Beginning with the 2015-2016 school year, the  
104 Department of Education shall administer an educator liability  
105 insurance program, as provided in the General Appropriation Act,  
106 to protect full-time instructional personnel from liability for  
107 monetary damages and the costs of defending actions resulting  
108 from claims made against the instructional personnel arising out  
109 of occurrences in the course of activities within the  
110 instructional personnel's professional capacity. For purposes of  
111 this subsection, the terms "full-time," "part-time," and  
112 "administrative personnel" shall be defined by the individual  
113 district school board. For purposes of this subsection, the term  
114 "instructional personnel" has the same meaning as provided in s.  
115 1012.01(2).

116 (a) Liability coverage of at least \$2 million shall be  
117 provided to all full-time instructional personnel. Liability  
118 coverage may be provided to the following individuals who choose  
119 to participate in the program, at cost: part-time instructional  
120 personnel, administrative personnel, and students enrolled in a  
121 state-approved teacher preparation program pursuant to s.  
122 1012.39(3).

123 (b) Annually, by August 1, each district school board shall  
124 notify personnel specified in paragraph (a) of the liability  
125 coverage provided pursuant to this subsection. The department  
126 shall develop the form of the notice which each district school



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127 board must use. The notice must be on an 8 1/2-inch by 5 1/2-  
128 inch postcard and include the amount of coverage, a general  
129 description of the nature of the coverage, and the contact  
130 information for coverage and claims questions. The notification  
131 must be provided separately from any other correspondence. Each  
132 district school board shall certify to the department, by August  
133 5 of each year, that the notification required by this paragraph  
134 has been provided.

135 (c) The department shall consult with the Department of  
136 Financial Services to select the most economically prudent and  
137 cost-effective means of implementing the program through self-  
138 insurance, a risk management program, or competitive  
139 procurement.

140 Section 5. Subsection (1) of section 1012.79, Florida  
141 Statutes, is amended to read:

142 1012.79 Education Practices Commission; organization.-

143 (1) The Education Practices Commission is composed ~~consists~~  
144 of the following 25 members: 10, ~~including 8~~ teachers; 5  
145 administrators, at least one of whom represents ~~shall represent~~  
146 a private or virtual school; 4 ~~7~~ lay citizens who are, ~~5 of whom~~  
147 ~~shall be~~ parents of public school students and who are unrelated  
148 to public school employees; ~~and 2 of whom shall be~~ former  
149 charter school governing board or district school board members  
150 or former superintendents, assistant superintendents, or deputy  
151 superintendents; and 4 ~~5~~ sworn law enforcement officials,  
152 appointed by the State Board of Education from nominations by  
153 the Commissioner of Education and subject to Senate  
154 confirmation. Prior to making nominations, the commissioner  
155 shall consult with teaching associations, parent organizations,



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156 law enforcement agencies, and other involved associations in the  
157 state. In making nominations, the commissioner shall attempt to  
158 achieve equal geographical representation, as closely as  
159 possible.

160 (a) A teacher member, in order to be qualified for  
161 appointment:

162 1. Must be certified to teach in the state.

163 ~~2. Must be a resident of the state.~~

164 ~~2.3.~~ Must have practiced the profession in this state for  
165 at least 5 years immediately preceding the appointment.

166 (b) A school administrator member, in order to be qualified  
167 for appointment:

168 1. Must have an endorsement on the educator certificate in  
169 the area of school administration or supervision.

170 ~~2. Must be a resident of the state.~~

171 ~~2.3.~~ Must have practiced the profession as an administrator  
172 for at least 5 years immediately preceding the appointment.

173 ~~(c) The lay members must be residents of the state.~~

174 ~~(c)~~ ~~(d)~~ The law enforcement official members must have  
175 served in the profession for at least 5 years immediately  
176 preceding appointment and have background expertise in child  
177 safety.

178 (d) The Commissioner of Education, upon request or  
179 recommendation from the commission, may also appoint up to five  
180 emeritus members from the commission's prior membership to each  
181 serve 1-year terms. Notwithstanding any prior service on the  
182 commission, an emeritus member may serve up to five 1-year  
183 terms. An emeritus member serves as a voting member at a  
184 discipline hearing and as a consulting but nonvoting member



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185 during a business meeting.

186 (e) All members must be residents of the state.

187 Section 6. Subsection (3) of section 1012.796, Florida  
188 Statutes, is amended to read:

189 1012.796 Complaints against teachers and administrators;  
190 procedure; penalties.-

191 (3) The department staff shall advise the commissioner  
192 concerning the findings of the investigation. The department  
193 general counsel or members of that staff shall review the  
194 investigation and advise the commissioner concerning probable  
195 cause or lack thereof. The determination of probable cause shall  
196 be made by the commissioner. The commissioner shall provide an  
197 opportunity for a conference, if requested, prior to determining  
198 probable cause. The commissioner may enter into deferred  
199 prosecution agreements in lieu of finding probable cause if, in  
200 his or her judgment, such agreements are in the best interests  
201 of the department, the certificateholder, and the public. Such  
202 deferred prosecution agreements shall become effective when  
203 filed with the clerk of the Education Practices Commission.  
204 However, a deferred prosecution agreement may ~~shall~~ not be  
205 entered into if there is probable cause to believe that a felony  
206 or an act of moral turpitude, as defined by rule of the State  
207 Board of Education, has occurred. Upon finding no probable  
208 cause, the commissioner shall dismiss the complaint and may  
209 issue a letter of guidance to the certificateholder.

210  
211 ===== T I T L E A M E N D M E N T =====

212 And the title is amended as follows:

213 Delete lines 5 - 13



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214 and insert:  
215       have access to certain reports and records; creating  
216       s. 1012.731, F.S.; providing legislative intent;  
217       establishing the Florida Best and Brightest Teacher  
218       Scholarship Program; providing eligibility criteria;  
219       requiring a school district to annually submit the  
220       number of eligible teachers to the department;  
221       providing for funding and the disbursement of funds;  
222       defining the term "school district" for purposes of  
223       the act; amending s. 1012.39, F.S.; providing  
224       requirements regarding liability insurance for  
225       students performing clinical field experience;  
226       amending s. 1012.75, F.S.; requiring the department to  
227       administer an educator liability insurance program;  
228       defining terms; specifying program administration and  
229       eligibility requirements; amending s. 1012.79, F.S.;  
230       revising the membership of the Education Practices  
231       Commission; authorizing the Commissioner of Education  
232       to appoint emeritus members to the commission;  
233       amending s. 1012.796, F.S.; authorizing the  
234       commissioner to issue a letter of guidance in response  
235       to a complaint against a teacher or administrator;  
236       providing an effective date.

By Senator Detert

28-00850A-15

2015888\_\_

A bill to be entitled

An act relating to educator professional practices; amending s. 39.202, F.S.; authorizing certain employees or agents of the Department of Education to have access to certain reports and records; amending s. 1012.79, F.S.; revising the membership of the Education Practices Commission; authorizing the Commissioner of Education to appoint emeritus members to the commission; amending s. 1012.796, F.S.; authorizing the commissioner to issue a letter of guidance in response to a complaint against a teacher or administrator in lieu of a probable cause determination; providing an effective date.

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

Section 1. Present paragraphs (q) through (s) of subsection (2) of section 39.202, Florida Statutes, are redesignated as paragraphs (r) through (t), respectively, and a new paragraph (q) is added to that subsection, to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Except as provided in subsection (4), access to such records, excluding the name of the reporter which shall be released only as provided in subsection (5), shall be granted only to the following persons, officials, and agencies:

(q) An employee or agent of the Department of Education who is responsible for the investigation or prosecution of misconduct by a certified educator.

Page 1 of 4

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

28-00850A-15

2015888\_\_

Section 2. Subsection (1) of section 1012.79, Florida Statutes, is amended to read:

1012.79 Education Practices Commission; organization.—

(1) The Education Practices Commission is composed ~~consists~~ of the following 25 members: ~~10, including 8~~ teachers; 5 administrators, at least one of whom represents ~~shall represent~~ a private or virtual school; ~~4~~ 7 lay citizens who are, ~~5 of whom~~ ~~shall be~~ parents of public school students and who are unrelated to public school employees; ~~and 2 of whom shall be former~~ charter school governing board or district school board members or former superintendents, assistant superintendents, or deputy superintendents; and ~~4~~ 5 sworn law enforcement officials, appointed by the State Board of Education from nominations by the Commissioner of Education and subject to Senate confirmation. Prior to making nominations, the commissioner shall consult with teaching associations, parent organizations, law enforcement agencies, and other involved associations in the state. In making nominations, the commissioner shall attempt to achieve equal geographical representation, as closely as possible.

(a) A teacher member, in order to be qualified for appointment:

1. Must be certified to teach in the state.
2. Must be a resident of the state.
3. Must have practiced the profession in this state for at least 5 years immediately preceding the appointment.

(b) A school administrator member, in order to be qualified for appointment:

1. Must have an endorsement on the educator certificate in

Page 2 of 4

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28-00850A-15

2015888\_\_

59 the area of school administration or supervision.

60 2. Must be a resident of the state.

61 3. Must have practiced the profession as an administrator  
62 for at least 5 years immediately preceding the appointment.

63 (c) ~~All The lay~~ members must be residents of the state.

64 (d) The law enforcement official members must have served  
65 in the profession for at least 5 years immediately preceding  
66 appointment and have background expertise in child safety.

67 (e) The Commissioner of Education, upon request or  
68 recommendation from the commission, may also appoint up to 5  
69 emeritus members from the commission's prior membership to serve  
70 1-year terms. Notwithstanding any prior service on the  
71 commission, an emeritus member may serve up to five 1-year  
72 terms. An emeritus member serves as a voting member at a  
73 discipline hearing and as a consulting but nonvoting member  
74 during a business meeting.

75 Section 3. Subsection (3) of section 1012.796, Florida  
76 Statutes, is amended to read:

77 1012.796 Complaints against teachers and administrators;  
78 procedure; penalties.-

79 (3) The department staff shall advise the commissioner  
80 concerning the findings of the investigation. The department  
81 general counsel or members of that staff shall review the  
82 investigation and advise the commissioner concerning probable  
83 cause or lack thereof. The determination of probable cause shall  
84 be made by the commissioner. The commissioner shall provide an  
85 opportunity for a conference, if requested, prior to determining  
86 probable cause. The commissioner may enter into deferred  
87 prosecution agreements in lieu of finding probable cause if, in

Page 3 of 4

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28-00850A-15

2015888\_\_

88 his or her judgment, such agreements are in the best interests  
89 of the department, the certificateholder, and the public. Such  
90 deferred prosecution agreements shall become effective when  
91 filed with the clerk of the Education Practices Commission.  
92 However, a deferred prosecution agreement ~~may shall~~ not be  
93 entered into if there is probable cause to believe that a felony  
94 or an act of moral turpitude, as defined by rule of the State  
95 Board of Education, has occurred. Upon finding no probable  
96 cause, the commissioner shall dismiss the complaint. In lieu of  
97 a finding of probable cause, the commissioner may also issue a  
98 letter of guidance to the educator.

99 Section 4. This act shall take effect July 1, 2015.

Page 4 of 4

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

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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**BILL:** PCS/CS/SB 1260 (875702)

**INTRODUCER:** Appropriations Subcommittee on Education; Children, Families, and Elder Affairs Committee; and Senator Bean

**SUBJECT:** Florida Centers for Independent Living

**DATE:** April 10, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Crosier	Hendon	CF	<b>Fav/CS</b>
2.	Sikes	Kynoch	AED	<b>Recommend: Fav/CS</b>
3.			FP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/CS/SB 1260 renames the James Patrick Memorial Work Incentive Personal Attendant Services Program as the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program. An advisory committee is established and the Florida Association for Independent Living will provide administrative support. Additionally, the bill allows volunteers to provide assistance on an intermittent basis for less than 10 hours per month at centers for independent living under certain conditions.

The bill has no fiscal impact on state funds.

The bill has an effective date of July 1, 2015.

**II. Present Situation:**

**Personal Care Attendance Program**

Sections 413.402 and 413.4021, F.S., establish and provide a specific funding source for a personal care attendant program (PCA program) to provide personal care attendants to eligible persons with severe and chronic disabilities. The PCA program was established as a pilot in

2002<sup>1</sup> and made permanent and statewide in 2005.<sup>2</sup> Currently, there are 16 Centers for Independent Living (CILS) operating in Florida. The CILS provided independent living services to 21,938 people from October 1, 2013 to September 30, 2014.<sup>3</sup>

Pursuant to s. 413.402, F.S., the Florida Endowment Foundation for Vocational Rehabilitation (FEFVR, also known as the Able Trust)<sup>4</sup> is required to enter into an agreement with the Florida Association for Centers for Independent Living (FACIL) to administer the program. The administrative expense of FACIL is paid from funds deposited with FEFVR pursuant to the Tax Collection Enforcement Diversion Program<sup>5</sup> and the Motorcycle Specialty License Plate program.<sup>6</sup>

Persons eligible to participate in the program must:

- Be at least 18 years of age, a legal resident of this state and significantly and chronically disabled;
- Require a personal care attendant for assistance with or support for at least two activities of daily living such as bathing and dressing and as defined in s. 429.02, F.S.;
- Require a personal care attendant in order to maintain substantial gainful employment; and
- Be able to acquire and direct a personal care attendant.

Training for program participants on hiring and managing a personal care attendant shall be provided by FACIL. Additionally, FACIL coordinates with the Department of Revenue (DOR) and the Florida Prosecuting Attorneys Association (FPAA) on the selection of the judicial circuits in which to operate the program.

There are two funding sources for the PCA program:

- Tax Collection Enforcement Diversion Program; and
- Fees from the Motorcycle Specialty License Plate.<sup>7</sup>

### ***Tax Collection Enforcement Diversion Program***

In conjunction with the establishment of the PCA program, DOR was directed, in cooperation with FACIL and FPAA, to select judicial circuits in which to operate a tax collection enforcement diversion program (“tax diversion program”) to collect unpaid sales taxes from delinquent business owners.<sup>8</sup> Fifty percent of the collections from the tax diversion program are deposited into the operating account of FEFVR to be used to operate the PCA program and to

---

<sup>1</sup> Chapter 2002-286, L.O.F.

<sup>2</sup> Chapter 2005-172, L.O.F.

<sup>3</sup> See E-mail from Tonya Cooper, Legislative Affairs Director, Florida Department of Education (March 30, 2015) (on filed with the Senate Committee on Children, Families, and Elder Affairs).

<sup>4</sup> See [http://www.abletrust.org/links/AnnRept\\_011.pdf](http://www.abletrust.org/links/AnnRept_011.pdf) (last visited March 30, 2015)

<sup>5</sup> Section 413.4021(1), F.S.

<sup>6</sup> Section 320.08068(4)(d), F.S.

<sup>7</sup> Sections 413.4021(1) and 320.08068(4)(d), F.S.

<sup>8</sup> Section 413.4021, F.S.

contract with the state attorneys participating in the tax diversion program.<sup>9</sup> Sixteen centers in all 20 circuits participate in the tax diversion program.<sup>10</sup>

### ***Motorcycle Specialty (Bikers Care) License Plate Fees***

The Department of Highway Safety and Motor Vehicles (DHSMV) offers a specialty tax to any owner or lessee of a motorcycle who chooses to pay the additional cost.<sup>11</sup> DHSMV collects an annual use fee of \$20 from the sale of each motorcycle specialty license plate and distributes the fees to the Able Trust. The Able Trust is permitted to retain a maximum of 10 percent of the funds for administrative costs and distribute the remaining funds as follows:

- Twenty percent to the Brain and Spinal Cord Injury Program Trust Fund;
- Twenty percent to Prevent Blindness Florida;
- Twenty percent to the Blind Services Foundation of Florida;
- Twenty percent to FEFVR to support the PCA program; and
- Twenty percent to FACIL.<sup>12</sup>

### **Background Screening Requirements for Service Providers**

Service providers are persons or entities who provide employment services, supported employment services, independent living services, self-employment services, personal assistance services, vocational evaluation or tutorial services, or rehabilitation technology services on a contractual or fee-for-service basis to vulnerable persons.<sup>13</sup> Service providers must register with the Division of Vocational Rehabilitation (DVR). As a condition of registration, level 2 background screening pursuant to s. 435, F.S., must be conducted by DVR on certain individuals and rescreening of these individuals must occur every five years following the initial screening.<sup>14</sup>

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

**Section 1** amends s. 413.208, F.S., to allow a volunteer for a center for independent living, who assists on an intermittent basis for less than 10 hours per month to not be subject to the background screening pursuant to ch. 435, F.S., if a provider's employee is present and has the volunteer within line of sight.

**Section 2** amends s. 413.402, F.S., to rename the James Patrick Memorial Work Incentive Personal Attendant Services Program to the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program. In addition to the provision of personal care attendants, other support and services necessary to maintain competitive employment or self-employment are available to eligible persons in the program.

This section establishes eligibility requirements for participation in the program. A person must be:

---

<sup>9</sup> Section 413.4021(1), F.S. The contract amount for each state attorney cannot exceed \$50,000.

<sup>10</sup> See [http://rehabworks.org/cil\\_map.shtml](http://rehabworks.org/cil_map.shtml) (last visited on March 30, 2015). A copy of the map is on filed with the Senate Committee on Children, Families, and Elder Affairs.

<sup>11</sup> Section 320.08068(2), F.S.

<sup>12</sup> Section 320.08069(4), F.S.

<sup>13</sup> Section 413.20(20), F.S.

<sup>14</sup> Section 413.208(1), F.S.

- At least 18 years of age, a legal resident of this state and significantly and chronically disabled.
- Determined by a physician, psychologist, or psychiatrist, to require a personal care attendant for at least two activities of daily living as defined in s. 429.02, F.S.
- Require a personal care attendant and may require other support and services to accept an offer of imminent employment, commence working or maintain competitive employment.

The Florida Association for Centers for Independent Living (FACIL) must provide training to program participants on the hiring and managing of a personal care attendant and other skills needed to effectively access and manage the support and services provided in the program.

**Section 3** amends s. 413.4021, F.S., to increase the amount available to contract with the state attorneys participating in the tax collection enforcement diversion program to not more than \$75,000 per state attorney.

**Section 4** amends s. 320.08068, F.S., to change the name of the entity receiving 20 percent of the funds distributed by the Able Trust to the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program.

**Section 5** provides an effective date of July 1, 2015, for the bill.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None

C. Government Sector Impact:

PCS/CS/SB 1260 does not increase the funds raised through the Tax Collection Enforcement Diversion Program and the Motorcycle Specialty License Plate Program;

however, it does expand the scope of services to include employment assistance to eligible program participants. The potential savings from increased employment of individuals with severe and chronic disabilities may be seen in reduced long-term care costs.

The bill also increases the amount of funds available to contract with the state attorneys participating in the tax collection enforcement diversion program from \$50,000 to not more than \$75,000 for each state attorney.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 413.402, 413.208, 413.4021, and 320.08068.

**IX. Additional Information:**

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

**Recommended CS/CS by Appropriations Subcommittee on Education on April 8, 2015:**

The committee substitute removes the provision of the bill establishing an advisory group and reverts to current statute regarding an oversight group.

**CS by Children, Families, and Elder Affairs on April 2, 2015:**

- Allows a volunteer at a center for independent living to assist on an intermittent basis for less than 10 hours per month to not be background screened if a provider's employee is always present and the volunteer is within his or her line of sight.
- Provides that a person that is eligible for participation in the program must require a personal care attendant or other support services in order to accept an offer of imminent employment, commence working or maintain competitive employment.
- Increases the amount of funds available to contract with the state attorneys participating in the tax collection enforcement diversion program from \$50,000 to not more than \$75,000 for each state attorney.

- B. **Amendments:**

None.



756620

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2015	.	
	.	
	.	
	.	

---

Appropriations Subcommittee on Education (Stargel) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 105 - 116  
and insert:  
section and, in cooperation with the oversight group described in paragraph (b), adopt and revise the policies and procedures governing the personal care attendant and employment assistance program and the training ~~program~~ required by this paragraph.

(b) The oversight group shall include, but need not be

1  
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756620

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

12 And the title is amended as follows:

13       Delete lines 13 - 16

14 and insert:

15       eligibility requirements;

By the Committee on Children, Families, and Elder Affairs; and  
Senator Bean

586-03406-15

20151260c1

1 A bill to be entitled  
2 An act relating to Florida Centers for Independent  
3 Living; amending s. 413.208, F.S.; providing that  
4 certain volunteers for centers for independent living  
5 do not have to undergo background screening; amending  
6 s. 413.402, F.S.; requiring that a specified agreement  
7 be maintained; renaming the James Patrick Memorial  
8 Work Incentive Personal Attendant Services Program as  
9 the James Patrick Memorial Work Incentive Personal  
10 Attendant Services and Employment Assistance Program;  
11 expanding the scope of, and support and services  
12 provided by, the program; defining a term; revising  
13 eligibility requirements; requiring the association,  
14 in consultation with the advisory group, to adopt and  
15 revise certain policies and procedures; replacing an  
16 existing oversight group with an advisory group;  
17 amending s. 413.4021, F.S.; revising the maximum  
18 amount of specified funds for each attorney which may  
19 be used to administer the personal attendant program  
20 and to contract with the state attorneys participating  
21 in the tax collection enforcement diversion program;  
22 amending s. 320.08068, F.S.; conforming a provision to  
23 changes made by the act; providing an effective date.  
24  
25 Be It Enacted by the Legislature of the State of Florida:  
26  
27 Section 1. Paragraph (b) of subsection (2) of section  
28 413.208, Florida Statutes, is amended to read:  
29 413.208 Service providers; quality assurance; fitness for

Page 1 of 6

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586-03406-15

20151260c1

30 responsibilities; background screening.-  
31 (2)  
32 (b) Level 2 background screening pursuant to chapter 435 is  
33 not required for the following persons:  
34 1. A licensed physician, nurse, or other professional who  
35 is licensed by the Department of Health and who has undergone  
36 fingerprinting and background screening as part of such  
37 licensure if providing a service that is within the scope of her  
38 or his licensed practice.  
39 2. A relative of the vulnerable person receiving services.  
40 For purposes of this section, the term "relative" means an  
41 individual who is the father, mother, stepfather, stepmother,  
42 son, daughter, brother, sister, grandmother, grandfather, great-  
43 grandmother, great-grandfather, grandson, granddaughter, uncle,  
44 aunt, first cousin, nephew, niece, husband, wife, father-in-law,  
45 mother-in-law, son-in-law, daughter-in-law, brother-in-law,  
46 sister-in-law, stepson, stepdaughter, stepbrother, stepsister,  
47 half-brother, or half-sister of the vulnerable person.  
48 3. A volunteer for a center for independent living  
49 designated in the state plan for independent living developed  
50 pursuant to Title VII(A) of the Rehabilitation Act of 1973, as  
51 amended, who assists on an intermittent basis for less than 10  
52 hours per month does not have to be screened if a provider's  
53 employee is always present and has the volunteer within his or  
54 her line of sight.  
55 Section 2. Section 413.402, Florida Statutes, is amended to  
56 read:  
57 413.402 Personal care attendant and employment assistance  
58 program.—The Florida Endowment Foundation for Vocational

Page 2 of 6

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586-03406-15 20151260c1

59 Rehabilitation shall maintain ~~enter into~~ an agreement, ~~no later~~  
60 ~~than October 1, 2008,~~ with the Florida Association of Centers  
61 for Independent Living to administer the James Patrick Memorial  
62 Work Incentive Personal Attendant Services and Employment  
63 Assistance Program. The program shall ~~to~~ provide personal care  
64 attendants and other support and services necessary to enable ~~to~~  
65 persons eligible under subsection (2) who have severe and  
66 chronic disabilities of any kind to obtain or maintain  
67 competitive employment, including self-employment all kinds and  
68 ~~who are eligible under subsection (1). Effective July 1, 2008,~~  
69 The Florida Association of Centers for Independent Living shall  
70 receive 12 percent of the funds ~~paid to or on behalf of~~  
71 ~~participants from funds to be deposited with the Florida~~  
72 ~~Endowment Foundation for Vocational Rehabilitation pursuant to~~  
73 ~~ss. 320.08068(4)(d) and 413.4021(1) to administer the program.~~  
74 ~~For the purpose of ensuring continuity of services, a memorandum~~  
75 ~~of understanding shall be executed between the parties to cover~~  
76 ~~the period between July 1, 2008, and the execution of the final~~  
77 ~~agreement.~~

78 (1) As used in this section, the term "competitive  
79 employment" means employment in the public or private sector  
80 earning comparable wages and benefits, consistent with the  
81 person's qualifications and experience, in comparable working  
82 conditions to those experienced by the general workforce in that  
83 industry or profession.

84 (2) ~~(1)~~ In order to be eligible to participate in the  
85 program, a person must meet the following requirements:

86 (a) Be at least 18 years of age, be a legal resident of  
87 this state, and be significantly and chronically disabled. ~~;~~

586-03406-15 20151260c1

88 (b) As determined by a physician, psychologist, or  
89 psychiatrist, require a personal care attendant for assistance  
90 with or support for at least two activities of daily living as  
91 defined in s. 429.02. ~~as determined by a physician,~~  
92 ~~psychologist, or psychiatrist,~~

93 (c) Require a personal care attendant and may require other  
94 support and services, in order to accept an offer of imminent  
95 employment, commence working, or a job or maintain competitive  
96 substantial gainful employment. ~~;~~ and

97 (d) Be able to acquire and direct the support and services  
98 provided pursuant to this section, including the services of a  
99 personal care attendant.

100 (3) ~~(2)~~(a) The Florida Association of Centers for  
101 Independent Living shall provide training, as appropriate, to  
102 program participants on hiring and managing a personal care  
103 attendant and other self-advocacy skills needed to effectively  
104 access and manage the support and services provided under this  
105 section. and,

106 (b) In consultation ~~cooperation~~ with the advisory group  
107 established in oversight group described in paragraph (c), the  
108 Florida Association of Centers for Independent Living shall ~~(b),~~  
109 adopt and revise the policies and procedures governing the  
110 operation of the personal care attendant program and the  
111 training ~~program~~ required by paragraph (a).

112 (c) An advisory group is established to make  
113 recommendations on the development and revision of policies and  
114 procedures related to the provision of services pursuant to this  
115 section. The membership of the advisory committee must  
116 ~~(b) The oversight group shall include, but need not be~~

586-03406-15

20151260c1

117 limited to, a member of the Florida Association of Centers for  
 118 Independent Living, a person who is participating in the  
 119 program, and one representative each from the Department of  
 120 Revenue, the Department of Children and Families, the Division  
 121 of Vocational Rehabilitation in the Department of Education, the  
 122 Medicaid program in the Agency for Health Care Administration,  
 123 the Florida Endowment Foundation for Vocational Rehabilitation,  
 124 and the Brain and Spinal Cord Injury Program in the Department  
 125 of Health.

126 Section 3. Subsection (1) of section 413.4021, Florida  
 127 Statutes, is amended to read:

128 413.4021 Program participant selection; tax collection  
 129 enforcement diversion program.—The Department of Revenue, in  
 130 coordination with the Florida Association of Centers for  
 131 Independent Living and the Florida Prosecuting Attorneys  
 132 Association, shall select judicial circuits in which to operate  
 133 the program. The association and the state attorneys' offices  
 134 shall develop and implement a tax collection enforcement  
 135 diversion program, which shall collect revenue due from persons  
 136 who have not remitted their collected sales tax. The criteria  
 137 for referral to the tax collection enforcement diversion program  
 138 shall be determined cooperatively between the state attorneys'  
 139 offices and the Department of Revenue.

140 (1) Notwithstanding the provisions of s. 212.20, 50 percent  
 141 of the revenues collected from the tax collection enforcement  
 142 diversion program shall be deposited into the special reserve  
 143 account of the Florida Endowment Foundation for Vocational  
 144 Rehabilitation, to be used to administer the personal care  
 145 attendant program and to contract with the state attorneys

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586-03406-15

20151260c1

146 participating in the tax collection enforcement diversion  
 147 program in an amount of not more than \$75,000 ~~\$50,000~~ for each  
 148 state attorney.

149 Section 4. Paragraph (d) of subsection (4) of section  
 150 320.08068, Florida Statutes, is amended to read:

151 320.08068 Motorcycle specialty license plates.—

152 (4) A license plate annual use fee of \$20 shall be  
 153 collected for each motorcycle specialty license plate. Annual  
 154 use fees shall be distributed to The Able Trust as custodial  
 155 agent. The Able Trust may retain a maximum of 10 percent of the  
 156 proceeds from the sale of the license plate for administrative  
 157 costs. The Able Trust shall distribute the remaining funds as  
 158 follows:

159 (d) Twenty percent to the Foundation for Vocational  
 160 Rehabilitation to support the James Patrick Memorial Work  
 161 Incentive Personal Care Attendant Services and Employment  
 162 Assistance Program pursuant to s. 413.402.

163 Section 5. This act shall take effect July 1, 2015.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

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

1260  
Bill Number (if applicable)

Topic SB-1260/

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

Name STEPHEN WISE

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

Address 4361 CHARLESTON LN

Phone 904-771-9400

Street

JACKSONVILLE 71 32210

Email SR WISE@ATT.NET

City

State

Zip

Speaking:  For  Against  Information

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

Representing FACIL

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

April 8, 2015

Meeting Date

1260

Bill Number (if applicable)

Topic Disabled Adults

Amendment Barcode (if applicable)

Name Paul Wharton

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

Address 2273 Saragossa Ave  
Street

Phone 904-563-0627

JAX FL 32217  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Florida CUSP, Florida Centers for Independent Living

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

1260  
Bill Number (if applicable)

Topic SB 1260

Amendment Barcode (if applicable)

Name TIM DEBEAUGRINE

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

Address 101 N. MONROE  
Street

Phone 850-508-8908

TALLAHASSEE FL 32301  
City State Zip

Email James.debeaugrine@bipc.com

Speaking:  For  Against  Information

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

Representing Florida Assn of Centers for Independent Living

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

4-8-15

Meeting Date

1260

Bill Number (if applicable)

Topic SB 1260

Amendment Barcode (if applicable)

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Speaking:  For  Against  Information

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

Representing FL Assn of Centers for Indep Living

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: CS/SB 1252

INTRODUCER: Higher Education Committee and Senator Stargel

SUBJECT: Higher Education

DATE: April 7, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	HE	<b>Fav/CS</b>
2.	Sikes	Elwell	AED	<b>Pre-meeting</b>
3.			AP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1252 realigns the mission and roles of Florida’s public postsecondary systems and institutions in meeting Florida’s labor market demands and community and regional needs. Specifically, the bill:

- Clarifies the mission of state universities, Florida College System (FCS) institutions, career centers, and charter technical career centers regarding state expectations.
- Renames the FCS as the Florida Community College System (FCCS).
- Clarifies Florida’s “2+2” system of articulation and guaranteed transfer of credit hours earned through acceleration mechanisms, CAPE industry certifications, and courses at FCCS institutions.
- Clarifies expectations and state oversight of baccalaureate degree programs offered by FCCS institutions. The bill eliminates the one-year moratorium on the State Board of Education’s approval of new baccalaureate degree program offerings by FCCS institutions and aligns the baccalaureate degree approval process for St. Petersburg College with the approval process for other FCCS institutions.
- Prohibits the establishment of an enrollment cap in the collegiate high school program contract and requires school districts and colleges to report student enrollment information to the Florida Department of Education.
- Adds the Chancellor of Career and Adult Education as a member of the Higher Education Coordinating Council.
- Requires career education program standards and benchmarks to reflect the quality components of career and technical education.

The bill has no fiscal impact on state funds.

The bill takes effect July 1, 2015.

## II. Present Situation:

The Legislature establishes education policies, enacts education laws, and appropriates and allocates education resources.<sup>1</sup> The Florida K-20 education system is established to provide high-quality education to students,<sup>2</sup> through publicly supported and controlled public K-12 schools, Florida College System (FCS) institutions, state universities, technical centers<sup>3</sup> that are operated by district school boards or FCS institution boards of trustees, Florida Schools for the Deaf and the Blind, and the Florida Virtual School.<sup>4</sup>

The mission of Florida's K-20 education system is to provide to students opportunities to expand their knowledge and skills through rigorous and relevant learning opportunities in accordance with the mission statement and requirements of the K-20 education performance accountability system.<sup>5</sup>

In addition to the publicly supported colleges and universities, higher education in the state is also delivered by certain private postsecondary educational institutions that are authorized to operate in Florida.<sup>6</sup>

### Governance

The oversight responsibilities for the state universities rest with the Board of Governors of the State University System of Florida (BOG)<sup>7</sup> and the State Board of Education (SBE) is responsible for enforcing compliance with law by all school districts and public postsecondary educational institutions, except for the state universities.<sup>8</sup>

#### *Board of Governors of the State University System of Florida*

The BOG is a constitutionally created body to operate, regulate, control, be fully responsible for managing the whole university system.<sup>9</sup> The BOG's responsibilities must "include, but not be limited to, defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs."<sup>10</sup> The

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<sup>1</sup> Section 1000.03(2)(a), F.S.

<sup>2</sup> Section 1000.01(3), F.S.

<sup>3</sup> Technical centers mean career centers pursuant to s. 1001.44, F.S., and charter technical career centers pursuant to s. 1002.34, F.S.

<sup>4</sup> Section 1000.04, F.S.

<sup>5</sup> Section 1003.03(4), F.S.

<sup>6</sup> Chapter 1005, F.S.

<sup>7</sup> Art. IX, s. 7, Fla. Const.

<sup>8</sup> Art. IX, s. 2, Fla. Const.; s. 1001.03(8), F.S.

<sup>9</sup> Art. IX, s. 7(d), Fla. Const.

<sup>10</sup> Art. IX, s. 7(d), Fla. Const.; s. 1001.705(2), F.S.

BOG's management is subject to the powers of the legislature to appropriate for the expenditure of funds, and BOG must account for such expenditures as provided by law.<sup>11</sup>

### **State University System**

The university system consists of 12 state universities.<sup>12</sup> The BOG is comprised of 17 members – the Commissioner of Education; the chair of the advisory council of faculty senates, or the equivalent; the president of the Florida student association, or the equivalent; and 14 citizen-appointments by the Governor.<sup>13</sup>

Each institution in the state university system is governed locally by a board of trustees<sup>14</sup> comprised of 13 members – the chair of the faculty senate or the equivalent, the president of the student body of that institution, six citizen members appointed by the Governor, and five citizen members appointed by the BOG. The members appointed by the Governor and the BOG must be confirmed by the Florida Senate.<sup>15</sup> The local boards of trustees must govern their institutions in accordance with BOG rules and regulations.<sup>16</sup> Each local board's responsibilities include strategic planning and adopting policies regarding admissions, programs, administration, personnel, contracts, and facilities.<sup>17</sup>

Eleven of the 12 state universities are regionally accredited by the Southern Association of Colleges and Schools (SACS).<sup>18</sup> Florida Polytechnic University, which was established in 2012, is expected to achieve accreditation from SACS by December 31, 2016.<sup>19</sup>

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

The SBE is the “chief implementing and coordinating body of public education in Florida, except for the State University System” and is authorized to adopt rules to implement the provisions of law conferring duties upon the SBE to improve the state system of K-20 public education except for the state university system.<sup>20</sup> As such, the SBE has governing authority over the FCS institutions and districts school boards, and is authorized to delegate SBE's general powers to the Commissioner of Education or the directors of the divisions of the Florida Department of Education (DOE).<sup>21</sup>

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<sup>11</sup> *Id.*

<sup>12</sup> The State University System of Florida consists of 12 state universities: Florida Agricultural and Mechanical University, Florida Atlantic University, Florida Gulf Coast University, Florida International University, Florida Polytechnic University, Florida State University, New College of Florida, University of Central Florida, University of Florida, University of North Florida, University of South Florida, and University of West Florida. Florida Board of Governors, State University System of Florida, <http://www.flbog.edu/aboutsus/universities/> (March 21, 2015).

<sup>13</sup> Art. IX, s. 7(d), Fla. Const.

<sup>14</sup> Art. IX, s. 7(c), Fla. Const.; s. 1001.71(1), F.S.

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

<sup>16</sup> Art. IX, s. 7(c), Fla. Const.; *see also* Florida Board of Governors Regulation 1.001.

<sup>17</sup> Florida Board of Governors Regulation 1.001(3)-(7).

<sup>18</sup> Southern Association of Colleges and Schools, *Highest Degree Offered by an Institution*, <http://www.sacscoc.org/searchResults.asp> (last visited March 22, 2015).

<sup>19</sup> Section 1, ch. 2012-129, L.O.F.

<sup>20</sup> Section 1001.02(1), F.S.

<sup>21</sup> Section 1001.02(1) and (4), F.S.

### **Florida College System**

There are 28 FCS institutions and their regional service areas are specified in law.<sup>22</sup> Each FCS institution is governed by a local board of trustees.<sup>23</sup> Each FCS institution board of trustees must be comprised of 5 members if a FCS institution district is confined to one school board district; 7 members if a FCS institution district is confined to one school board district and the board of trustees so elects; and not more than 9 members if a FCS institution district contains two or more school board districts.<sup>24</sup> The FCS boards of trustees are appointed by the Governor and confirmed by the Senate.<sup>25</sup> Each FCS board of trustees is responsible for cost-effective policy decisions regarding the FCS institution's mission, the implementation and maintenance of high-quality education programs within law and rules of the SBE, the measurement of performance, the reporting of information, and the provision of input on state policy, budgeting, and education standards.<sup>26</sup> FCS boards of trustees are authorized to adopt rules, procedures, and policies regarding admissions, programs, administration, personnel, contracts, and facilities.<sup>27</sup>

All 28 FCS institutions are regionally accredited by SACS.<sup>28</sup>

### **Technical Centers Operated by District School Boards**

The state constitution provides that each county in Florida constitutes a school district and requires each district to be governed by a school board comprised of at least 5 members chosen by vote of the electors.<sup>29</sup> There are 67 district school boards. Each district school board must operate, control, and supervise all free public schools within the school district and determine the rate of school district taxes within the prescribed limits.<sup>30</sup> Florida law specifies the powers and duties of the districts school board.<sup>31</sup>

District school boards are authorized to establish or acquire career centers, after first obtaining approval from the DOE.<sup>32</sup> A career center is a part of the district school system and offers terminal courses of a technical nature, and courses for out-of-school youth and adults.<sup>33</sup> A career center must be under the control of the district school board of the school district in which the

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<sup>22</sup> The 28 Florida College System (FCS) institutions are Eastern Florida State College; Broward College; College of Central Florida; Chipola College; Daytona State College; Florida SouthWestern State College; Florida State College at Jacksonville; Florida Keys Community College; Gulf Coast State College; Hillsborough Community College; Indian River State College; Florida Gateway College; Lake-Sumter State College; State College of Florida, Manatee-Sarasota; Miami Dade College, North Florida Community College; Northwest Florida State College; Palm Beach State College; Pasco-Hernando State College; Pensacola State College; Polk State College; St. Johns River State College; St. Petersburg College; Santa Fe College; Seminole State College of Florida; South Florida State College; Tallahassee Community College; and Valencia College. Section 1000.21(3), F.S.

<sup>23</sup> Sections 1001.60(3), 1001.61(1), and 1004.65(1), F.S. FCS institutions are statutorily-designated as political subdivisions of the state. Section 1004.67, F.S.

<sup>24</sup> Section 1001.61(1), F.S. Florida State College at Jacksonville must have an odd number of trustees. *Id.*

<sup>25</sup> Section 1001.61(2), F.S.

<sup>26</sup> Section 1001.64(1), F.S.

<sup>27</sup> Section 1001.64(4), F.S.

<sup>28</sup> Southern Association of Colleges and Schools, *Highest Degree Offered by an Institution*, <http://www.sacscoc.org/searchResults.asp> (last visited March 22, 2015).

<sup>29</sup> Art. IX, s. 4(a), Fla. Const.

<sup>30</sup> Art. IX, s. 4(b), Fla. Const.

<sup>31</sup> Part II, ch. 1001, F.S.

<sup>32</sup> Section 1001.44(1)-(2), F.S.

<sup>33</sup> Section 1001.44(3)(a), F.S.

center is located, and must be directed by a director “responsible through the district school superintendent to the district school board of the school district in which the center is located.”<sup>34</sup> There are 47 career centers that are operated by district school boards in Florida.<sup>35</sup>

In addition, to career centers, the Legislature also authorized the creation of charter technical career centers that may be formed by creating a new school or converting an existing school district or FCS institution program to charter technical status.<sup>36</sup> According to legislative findings, a charter technical career center “can assist in promoting advances and innovations in workforce preparation and economic development.”<sup>37</sup> Further, a charter technical career center “may provide a learning environment that better serves the needs of a specific population or a group of occupations, thus promoting diversity and choices within the public education and public postsecondary technical education community in this state.”<sup>38</sup> There are 2 charter technical career centers that are operated by district school boards in Florida.<sup>39</sup>

All 47 career centers and 2 charter technical career centers are accredited by the Council on Occupational Education (COE).<sup>40</sup>

## **Mission**

### ***State University System***

The purpose of the state university system is to “achieve excellence through teaching students, advancing research and providing public service for the benefit of Florida’s citizens, their communities and economies.”<sup>41</sup>

### ***Florida College System***

The primary mission and responsibility of FCS institutions is responding to community needs for postsecondary academic education and career degree education.<sup>42</sup> Florida law specifies the following as the primary mission of FCS institutions:<sup>43</sup>

- Providing lower level undergraduate instruction and awarding associate degrees.
- Preparing students directly for careers requiring less than baccalaureate degrees.

<sup>34</sup> *Id.*

<sup>35</sup> Florida Department of Education, *2013-14 Career and Adult Education Quick Facts*, available at <http://www.fldoe.org/core/fileparse.php/9904/urlt/1314quickfacts.pdf> (last visited March 22, 2015).

<sup>36</sup> Section 1002.34(1), F.S.

<sup>37</sup> *Id.*

<sup>38</sup> Section 1002.34(1), F.S.

<sup>39</sup> Florida Department of Education, *A Comparison of State of Florida Charter Technical Career Centers to District Non-Charter Career Centers, 2013-14*, available at <http://www.fldoe.org/core/fileparse.php/9904/urlt/charterreview14.pdf>, at 2 of 25.

<sup>40</sup> Florida Department of Education, Presentation to the Florida House of Representatives Higher Education & Workforce Subcommittee (Jan. 7, 2015), available at <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2853&Session=2015&DocumentType=Meeting%20Packets&FileName=hews%201-7-15.pdf>, at 8 of 87; Florida Department of Education, *A Comparison of State of Florida Charter Technical Career Centers to District Non-Charter Career Centers, 2013-14*, available at <http://www.fldoe.org/core/fileparse.php/9904/urlt/charterreview14.pdf>, at 3-4 of 25.

<sup>41</sup> Art. IX, s. 7(a), Fla. Const.

<sup>42</sup> Section 1004.65(5), F.S.

<sup>43</sup> *Id.*

- Providing student development services to ensure student success.
- Promoting economic development for the state through special programs (e.g., Enterprise Florida-related programs and workforce literacy programs).
- Providing dual enrollment instruction.
- Providing upper level instruction and awarding baccalaureate degrees that are authorized by law.

Additionally, a secondary mission of FCS institutions includes offering programs in:<sup>44</sup>

- Community services that are not directly related to academic or occupational advancement.
- Adult education services.
- Recreational and leisure services.

### **Florida College System Institution Baccalaureate Degree Programs**

The Legislature created the site-determined baccalaureate degree access program in 1999 to authorize community colleges to offer baccalaureate degrees to meet the economic development and educational needs of place-bound, nontraditional students in areas of the state that are underserved by 4-year institutions.<sup>45</sup>

In 2001, the Legislature redesignated St. Petersburg Junior College as St. Petersburg College and authorized community colleges to offer baccalaureate degrees in populous counties that are underserved by public baccalaureate degree granting institutions.<sup>46</sup> The legislative intent to provide access to baccalaureate degrees was to “address the state’s workforce needs, especially the need for teachers, nurses, and business managers in agencies and firms that require expertise in technology.”<sup>47</sup> St. Petersburg College was the first college that the Legislature authorized to offer baccalaureate degrees.<sup>48</sup> The Legislature specified the purpose for authorizing St. Petersburg College to offer high quality undergraduate education at affordable prices is to “promote economic development by preparing people for occupations that require a bachelor’s degree and are in demand by existing or emerging public and private employers in this state.”<sup>49</sup>

The SBE is responsible for reviewing and approving proposals by FCS institutions to offer baccalaureate degree programs.<sup>50</sup> The approval process requires the FCS institutions to submit a notice of intent to the Division of Florida Colleges (Division), within DOE, regarding the proposed baccalaureate degree program 100 days before the submission of the program proposal.<sup>51</sup> Within 10 days after receipt of the notice, the Division must forward the notice of intent to the Chancellor of the State University System, the President of Independent Colleges and Universities of Florida (ICUF), and the Executive Director of the Commission for

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<sup>44</sup> Section 1004.65(6), F.S.

<sup>45</sup> Section 1, ch. 99-290, L.O.F.

<sup>46</sup> Section 40, ch. 2001-170, L.O.F.

<sup>47</sup> *Id.*

<sup>48</sup> Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (March 10, 2015), available at [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket\\_2894.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2894.pdf), at 48-49 of 97.

<sup>49</sup> Section 40, ch. 2001-170, L.O.F.

<sup>50</sup> Section 1001.03(15), F.S.

<sup>51</sup> Section 1007.33(5)(a), F.S.

Independent Education.<sup>52</sup> The state universities have 60 days, after receipt of the notice by the Chancellor of the State University system, to submit objections to the proposed program or submit an alternative proposal to offer the baccalaureate degree program. If the SBE does not receive a proposal from a state university within the 60-day period, the SBE is required to provide regionally accredited private colleges and universities 30 days to submit objections to the proposed program or submit an alternative proposal. Objections and alternative proposals must be submitted to the Division, and must be considered by the SBE in making its decision to approve or deny a FCS institution's baccalaureate degree program proposal.<sup>53</sup> The alternative proposal must address specified information (e.g., the extent to which the workforce demand and unmet need described in the notice of intent will be met; and the level of financial commitment of the college or university to develop, implement, and maintain the specified degree program).<sup>54</sup>

Currently, 24 FCS institutions offer 175 baccalaureate degree programs.<sup>55</sup> In 2014, the Legislature placed a one-year moratorium on the State Board of Education's approval of new FCS baccalaureate degree programs.<sup>56</sup>

### ***Technical Centers Operated by District School Boards***

Florida law does not provide a specific mission for the career centers.<sup>57</sup> However, the law specifies that career centers, under the control of district school boards, must offer terminal courses of a technical nature and courses for out-of-school youth and adults.<sup>58</sup>

The purpose of charter technical career centers is to:<sup>59</sup>

- Develop a competitive workforce to support local business and industry and economic development.
- Create a training and education model that is reflective of marketplace realities.
- Offer a continuum of career educational opportunities using school-to-work, tech-prep, technical academy, and magnet school model.
- Provide career pathways for lifelong learning and career mobility.
- Enhance career and technical training.

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<sup>52</sup> Section 1007.33(5)(b), F.S.

<sup>53</sup> *Id.*

<sup>54</sup> Section 1007.33(5)(c), F.S.

<sup>55</sup> The 24 colleges that are authorized to offer baccalaureate degree programs include St. Petersburg College, Chipola College, Miami Dade College, Northwest Florida State College, Daytona State College, Florida SouthWestern State College, Florida State College at Jacksonville, Indian River State College, Broward College, Palm Beach State College, Polk State College, Santa Fe College, Seminole College, State College of Florida-Manatee, College of Central Florida, Gulf Coast State College, Pensacola College, St. Johns River State College, Valencia College, Florida Gateway College, South Florida State College, Lake-Sumter State College, Eastern Florida State College, and Pasco-Hernando State College. Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (March 10, 2015), available at [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket\\_2894.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2894.pdf), at 49 of 97; Email, Office of Program Policy Analysis and Government Accountability (Feb. 13, 2015).

<sup>56</sup> Sections 3 and 22, ch. 2014-56, LO.F.

<sup>57</sup> Section 1001.44, F.S.

<sup>58</sup> Section 1001.44(3)(a), F.S.

<sup>59</sup> Section 1002.34(2), F.S.

## **Accountability**

### ***Board of Governors of the State University System of Florida***

The BOG must develop a strategic plan specifying goals and objectives for the state university system and each constituent university, including each university's contribution to overall system goals and objectives.<sup>60</sup> The strategic plan must include specified information (e.g., performance metrics and standards common to all universities and standards unique to each university based on the core mission of each university, student enrollment and performance data, and criteria for designating baccalaureate and master's degree programs as high-demand programs of emphasis).<sup>61</sup> Additionally, the BOG must develop an accountability plan for the state university system and each constituent university.<sup>62</sup> The accountability plan, which must be submitted as part of the BOG's legislative budget request, must address each university's and the system's achievement of goals and objectives specified in the strategic plan.<sup>63</sup>

The BOG has the authority to regulate the state university system and may adopt a regulation development procedure for the BOG and the university boards of trustees to use in implementing their constitutional duties and responsibilities.<sup>64</sup> If the BOG determines that a state university board of trustees is unwilling or unable to comply with any law or BOG rule or regulation or audit recommendation within the specified time, the BOG is authorized to initiate corrective actions (e.g., withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds, or any other funds appropriated to the BOG by the Legislature, declare the university ineligible for competitive grants disbursed by the BOG; and report the university to the Legislature and recommend action to be taken by the Legislature).<sup>65</sup>

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

The SBE must adopt a strategic plan that specifies goals and objectives for the state's public schools and the FCS institutions.<sup>66</sup> The plan must be formulated in conjunction with the BOG plans to coordinate the roles of the state universities and FCS institutions to best meet state needs and reflect cost-effective use of state resources.<sup>67</sup> The strategic plan must clarify the mission statements of each FCS institution and the system as a whole and identify degree programs, including baccalaureate degree programs, to be offered at each FCS institution in accordance with law and the coordinated 5-year plan for postsecondary enrollment.<sup>68</sup> The 5-year plan must be submitted to the Legislature as part of the SBE's legislative budget request.<sup>69</sup>

Additionally, the SBE must identify performance metrics for the FCS institutions and develop a plan that specifies the goals and objectives for each FCS institution. The plan include specified information (i.e., performance metrics and standards common for all FCS institutions and

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<sup>60</sup> Section 1001.706(5)(b), F.S.

<sup>61</sup> *Id.*

<sup>62</sup> Section 1001.706(5)(c), F.S.

<sup>63</sup> *Id.*

<sup>64</sup> Section 1001.706(2)(a), F.S.

<sup>65</sup> Section 1008.322(5), F.S.

<sup>66</sup> Section 1001.02(3)(a), F.S.

<sup>67</sup> *Id.*

<sup>68</sup> Section 1001.02(2)(v) and (3)(a), F.S.

<sup>69</sup> *Id.*

metrics and standards unique to each institution based on the core mission of each institution, and student enrollment and performance data).<sup>70</sup>

The SBE is entrusted with the oversight authority to enforce compliance with law and SBE rule by all district school boards and FCS institution boards of trustees.<sup>71</sup> If the SBE determines that a district school board or a FCS institution board of trustees is unwilling or unable to comply with law or SBE rule within the specified time, the SBE is authorized to initiate corrective actions (e.g., withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds, or any other funds specified as eligible for this purpose by the Legislature; declare the school district or FCS institution ineligible for competitive grants; and report the school district or the FCS institution to the Legislature and recommend action to be taken by the Legislature).<sup>72</sup>

### **Articulation**

The SBE and the BOG must collaborate to create and adopt articulation policies with input from statewide K-20 advisory groups established by the Commissioner of Education and the Chancellor of the State University System, and recommend policies to the Legislature.<sup>73</sup> The policies must relate to:<sup>74</sup>

- The alignment between exit requirements of one education system and the admissions requirements of another education system into which students typically transfer.
- The identification of common courses, the level of courses, institutional participation in the statewide course numbering system, and the transferability of credits among such institutions.
- Identification of courses that meet general education or common degree program prerequisite requirements at public postsecondary educational institutions.
- Dual enrollment course equivalencies.
- Articulation agreements.

The SBE, in conjunction with the BOG, must establish an articulation accountability process, which must address specified issues such as:<sup>75</sup>

- The impact of articulation processes on educational continuity and the orderly and unobstructed transition of students between public secondary and postsecondary education systems and facilitating the transition of students between public and private sectors.
- The smooth transfer of FCS associate degree graduates to a state university.

### **Higher Education Coordinating Council**

The Legislature created the Higher Education Coordinating Council (HECC or council) in 2010<sup>76</sup> to identify unmet needs; facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers; and facilitate solutions to

<sup>70</sup> Section 1001.03(16), F.S.

<sup>71</sup> Sections 1001.03(8) and 1008.32, F.S.

<sup>72</sup> Section 1008.32(4), F.S.

<sup>73</sup> Section 1007.01(2), F.S.

<sup>74</sup> *Id.*

<sup>75</sup> Section 1008.38, F.S.

<sup>76</sup> Section 12, ch. 2010-78, L.O.F.

data issues identified by the Articulation Coordination Committee (ACC) to improve the K-20 education performance accountability system.<sup>77</sup> HECC includes the following members:<sup>78</sup>

- One member of the Board of Governors, appointed by the chair of the Board of Governors.
- The Chancellor of the State University System.
- The Chancellor of the Florida College System.
- One member of the State Board of Education (SBE), appointed by the chair of the SBE.
- The Executive Director of the Florida Association of Postsecondary Schools and Colleges.
- The president of the Independent Colleges and Universities of Florida.
- The president of Workforce Florida, Inc., or his or her designee.
- The president of Enterprise Florida, Inc., or a designated member of the Stakeholders Council appointed by the president.
- Three representatives of the business community, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, and one appointed by the Governor, who are committed to developing and enhancing world class workforce infrastructure necessary for Florida's citizens to compete and prosper in the ever-changing economy of the 21st century.

The appointed members serve 2-year terms and the chair of the HECC is elected annually by a majority of the council members.<sup>79</sup>

### **Private Postsecondary Educational Institutions**

A postsecondary educational institution must obtain licensure from the Commission for Independent Education (CIE or commission) to operate in the state of Florida, unless such institution is not under CIE's jurisdiction or purview.<sup>80</sup>

The commission is responsible for developing minimum standards to evaluate institutions for licensure.<sup>81</sup> Current law requires that the standards must, at a minimum, include the institution's name, financial stability, purpose, administrative organization, admissions and recruitment, educational programs and curricula, retention, completion, career placement, faculty, learning resources, student personnel services, physical plant and facilities, publications, and disclosure statements about the status of institutions related to professional certification and licensure.<sup>82</sup>

Institutions that are exempt from licensure by the commission include, but are not limited to, Independent Colleges and Universities of Florida (ICUF) institutions that are eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program.<sup>83</sup> Such colleges and universities must be not for profit, located and chartered in Florida, and accredited by SACS

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<sup>77</sup> Section 1004.015(1), F.S.

<sup>78</sup> Section 1004.015(2), F.S.

<sup>79</sup> Section 1004.015(2), F.S.

<sup>80</sup> Sections 1005.31(1)(a) and 1005.06(1), F.S.

<sup>81</sup> Section 1005.31(2), F.S.

<sup>82</sup> *Id.*

<sup>83</sup> Section 1005.06(1)(c), F.S.

to grant baccalaureate degrees.<sup>84</sup> Currently, there are 31 ICUF institutions that are regionally accredited by SACS.<sup>85</sup>

### **Career Education**

The purpose of career education is to help individuals attain and sustain employment and realize economic self-sufficiency.<sup>86</sup> The Legislature intends that the standards that are provided in law<sup>87</sup> be considered in the development of accountability standards for public schools and for FCS institutions.<sup>88</sup>

- For a school board, superintendent, career center, and FCS institution, accountability for career education programs includes, but is not limited to:
  - Student demonstration of the academic skills necessary to enter an occupation.
  - Student preparation to enter an occupation in an entry-level position or continue postsecondary study.
  - Career program articulation with other corresponding postsecondary programs and job training experiences.
  - Employer satisfaction with the performance of students who complete career education or reach occupational completion points.
  - Student completion, placement, and retention rates pursuant to career program reporting requirements.<sup>89</sup>
- For the Florida Department of Education (DOE), accountability for career education includes, but is not limited to:
  - The provision of timely, accurate technical assistance to school districts and FCS institutions.
  - The provision of timely, accurate information to the SBE, the Legislature, and the public.
  - The development of policies, rules, and procedures that facilitate institutional attainment of the accountability standards and coordinate the efforts of all divisions within the department.
  - The development of program standards and industry-driven benchmarks for career, adult, and community education programs, which must be updated every 3 years. The standards must include career, academic, and workplace skills; viability of distance learning for instruction; and work/learn cycles that are responsive to business and industry.
  - Overseeing school district and FCS institution compliance with the provisions of public postsecondary education.

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<sup>84</sup> *Id.*

<sup>85</sup> The 31 ICUF institutions are Adventist University of Health Sciences, Ave Maria University, Barry University, Beacon College, Bethune-Cookman University, Clearwater Christian College, Eckerd College, Edward Waters College, Embry-Riddle Aeronautical University, Everglades University, Flagler College, Florida College, Florida Institute of Technology, Florida Memorial University, Florida Southern College, Hodges University, Jacksonville University, Keiser University, Lynn University, Nova Southeastern University, Palm Beach Atlantic University, Ringling College of Art and Design, Rollins College, Saint Leo University, Southeastern University, St. Thomas University, Stetson University, University of Miami, University of Tampa, Warner University, and Webber International University. Independent Colleges and Universities of Florida, *Institutions*, <http://www.icuf.org/newdevelopment/schools/> (last visited March 22, 2015); Independent Colleges and Universities of Florida, *About Us*, <http://www.icuf.org/newdevelopment/about-icuf/> (March 22, 2015).

<sup>86</sup> Section 1004.92(1), F.S.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> Section 1008.43, F.S.

- Ensuring that the educational outcomes for the technical component of career programs are uniform and designed to provide a graduate who is capable of entering the workforce on an equally competitive basis regardless of the institution of choice.

### **Collegiate High School Program**

In 2014, the Legislature established the collegiate high school program<sup>90</sup> that required each school district and its local Florida College System institution to execute a contract to establish one or more collegiate high school programs at a mutually agreed-upon location or locations.<sup>91</sup> At a minimum, the collegiate high school program must include an option for public school students in grades 11 and 12 participating in the program, for at least one full school year, the opportunity to:<sup>92</sup>

- Earn career and professional education (CAPE) industry certifications and
- Successfully complete 30 credit hours through the dual enrollment program toward the first year of college for an associate degree or a baccalaureate degree while enrolled in the collegiate high school program.

A Florida College System institution may execute a contract with a school district outside the FCS institution's designated service area if the local FCS institution for that school district does not execute a contract with the school district, beginning with the 2015-2016 school year.<sup>93</sup> Additionally, a district school board may execute a contract with a state university or an ICUF institution to establish a collegiate high school program.<sup>94</sup>

A collegiate high school program contract must be executed by January 1 of each school year for implementation of the program during the next school year.<sup>95</sup>

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

The bill realigns the mission and roles of Florida's public postsecondary education systems and institutions in meeting Florida's labor market demands and community and regional needs. Specifically, the bill:

- Clarifies the mission of state universities, Florida College System (FCS) institutions, career centers, and charter technical career centers regarding state expectations.
- Renames the FCS as the Florida Community College System (FCCS).
- Strengthens Florida's "2+2" system of articulation and guaranteed transfer of credit hours earned through acceleration mechanisms (e.g., Advanced Placement, International Baccalaureate Program, Advanced International Certificate of Education Program, and dual enrollment), career and professional education (CAPE) industry certifications, and courses at FCCS institutions.
- Strengthens expectations and state oversight of baccalaureate degree programs offered by FCCS institutions.

<sup>90</sup> Section 10, ch. 2014-184, L.O.F.

<sup>91</sup> Section 1007.273(1), F.S.

<sup>92</sup> Section 1007.273(2), F.S.

<sup>93</sup> Section 1007.273(3), F.S.

<sup>94</sup> Section 1007.273(5), F.S.

<sup>95</sup> Section 1007.273(3), F.S.

- Modifies the purpose and responsibilities of career education.
- Emphasizes access to the collegiate high school program by prohibiting an enrollment cap on the collegiate high school program contract and requires school districts and colleges to report student enrollment information to the Florida Department of Education (DOE).

### **Mission**

The bill reinforces the state's expectation that institutions within Florida's K-20 education system must avoid wasteful duplication of programs offered by state universities, FCS institutions, and technical centers that are operated by district school boards. Specifically, the bill:

- Reinforces the State Board of Education's (SBE) authority to monitor compliance, initiate action, and report to the legislature instances of noncompliance.
- Reinforces the mission of the state university system is to promote excellence through teaching students, advancing research, and providing public service for the benefit of Florida's citizens and their communities and economies, including offering undergraduate and graduate level instruction.

The bill renames the Florida College System (FCS) as the Florida Community College System (FCCS) and the Division of Florida Colleges as the Division of Florida Community Colleges, and directs the Division of Law Revision and Information to develop reviser's bill for the 2016 legislative session to codify the name change.

The bill also revises the mission statements of public postsecondary institutions by:

- Specifying that the primary mission of a career center or a charter technical career center that is operated by a district school board is to promote advances and innovations in workforce preparation and economic development; except that a career center or a charter technical career center may not award college credit.
- Changing from a primary to a secondary mission of FCCS institutions, the provision of upper level instruction and awarding of baccalaureate degrees.
- Requiring any institution that meets the academic and research excellence standards for consideration of preeminent status to enter into, and maintain, a formal agreement with the National Merit Scholarship Corporation to offer College-sponsored Merit Scholarship® awards to be designated as a preeminent state research university.

The bill defines "college" to accurately reflect the primary mission of public postsecondary institutions serving community and regional needs:

- A community college institution that offers a substantially complete program that confers at least an associate degree requiring at least 15 semester hours or the equivalent of general education, or that furnishes or offers to furnish instruction leading toward, or prerequisite to, college credit.
- Prohibits the use of the term "state," or otherwise indicating a statewide presence, in a community college institution name unless expressly authorized by law.
- Requires the community college institutions to change their names, by December 1, 2015, to accurately reflect the community college's service area in order to be eligible to receive state funds.

## **Florida's 2+2 System of Articulation**

The bill reinforces a primary responsibility of the SBE and the BOG is to preserve Florida's "2+2" system of articulation and to improve and facilitate articulation systemwide. Specifically, the bill requires articulation policies to address the application of credit hours earned through acceleration mechanisms (e.g., Advanced Placement, International Baccalaureate Program, Advanced International Certificate of Education Program, and dual enrollment), CAPE industry certifications, and courses at FCCS institutions to general education, associate degree, or bachelor degree.

## **Baccalaureate Degree Programs Offered by Community Colleges**

The bill prohibits colleges from offering Bachelor of Arts degrees and reinforces the primary mission of colleges to offer lower level instruction by establishing a five percent cap on upper level full-time equivalent (FTE) enrollment at a college as a percentage of combined total lower level and upper level FTE enrollment at the college.

Additionally, the bill extends the timeline for approving baccalaureate degree programs proposed by FCCS institutions to provide sufficient time for objections by state universities or non-profit, SACS-accredited independent colleges and universities in the college's regional service area. Specifically, the bill:

- Requires colleges to provide at least one year notice before submitting a proposal to offer a bachelor degree to the Chancellor of the State University System, and the President of Independent Colleges and Universities of Florida (ICUF).
- Requires a college baccalaureate degree proposal to include a justification for the proposed program, including a data-driven analysis, verified by more than one third-party professional entity, of workforce demand and unmet need and to what extent the proposed program will meet the workforce demand and unmet need; requires the justification be forwarded to the Chancellor of the State University System, the President of ICUF, and Executive Director of the Commission for Independent Education.
- Eliminates the requirement that an alternative proposal be submitted by a state university or ICUF institution.

The bill also reinforces the state's expectation of college affordability by requiring the college's program enrollment projections and funding requirements to include the college's efforts to sustain the program at a cost of tuition and fees for Florida residents not to exceed \$10,000 for the entire degree program, including utilization of waivers authorized by law.

Finally, the bill strengthens state oversight responsibilities by requiring:

- The SBE to consult with the Chancellor of the State University System to consider objections raised by state universities before approving or denying a college's proposal.
- The SBE to annually review baccalaureate degree program performance and compliance indicators, and needs assessments.
- The SBE to direct a FCCS boards of trustees to terminate a baccalaureate degree program if the state's review indicates negative performance and compliance results and the college fails to demonstrate a need for the program.

**Career Education**

The bill modifies requirements for career education by:

- Adding the Chancellor of Career and Adult Education as a member of the Higher Education Coordinating Council, and
- Modifying the purpose and responsibilities of career education to require that the career education program standards and benchmarks developed by the Florida Department of Education (DOE) reflect the quality components of career and technical education, and requires the State Board of Education (SBE) to adopt rules.

**Collegiate High School Program**

The bill emphasizes access to the collegiate high school program by prohibiting establishment of an enrollment cap in the collegiate high school program contract. Additionally, the bill requires:

- Each school district to document and annually report to DOE the number of students accepted into or denied access to the collegiate high school program.
- Each FCCS institution to document and annually report to DOE the percent of collegiate high school program students in its institution relative to the total lower level full-time equivalent enrollment at that institution.

The bill takes effect July 1, 2015.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

**C. Government Sector Impact:**

CS/SB 1252 may require some current Florida College System (FCS) institutions to change their name. A required name change will likely result in costs associated with signage and other marketing materials; however, FCS institutions that previously elected to change their name did so without an appropriation of state funds. The bill has no fiscal impact on state funds.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1000.03, 1000.21, 1001.02, 1001.03, 1001.42, 1001.44, 1001.60, 1001.705, 1001.7065, 1002.34, 1004.015, 1004.65, 1004.92, 1007.01, 1007.23, 1007.273, 1007.33, and 1008.38.

This bill creates two undesignated sections of the Florida Statutes.

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

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

**CS by Higher Education on March 23, 2015:**

The committee substitute maintains the original substance of SB 1252 with the following modifications:

- Clarifies the mission of state universities, Florida Community College System (FCCS) institutions, career centers, and charter technical career centers regarding state expectations.
- Clarifies Florida's "2+2" system of articulation and guaranteed transfer of credit hours earned through acceleration mechanisms (e.g., Advanced Placement, International Baccalaureate Program, Advanced International Certificate of Education Program, and dual enrollment), CAPE industry certifications, and courses at FCCS institutions.
- Clarifies expectations and state oversight of baccalaureate degree programs offered by FCCS institutions.
- Prohibits the establishment of an enrollment cap in the collegiate high school program contract and requires school districts and colleges to report student enrollment information to the Florida Department of Education.

B. Amendments:

None.

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

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383046

LEGISLATIVE ACTION

Senate

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House

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Appropriations Subcommittee on Education (Stargel) recommended the following:

**Senate Amendment**

Delete lines 112 - 170

and insert:

(a) Eastern ~~Florida~~ State College, which serves Brevard County.

(b) Broward College, which serves Broward County.

(c) College of Central Florida, which serves Citrus, Levy, and Marion Counties.

(d) Chipola College, which serves Calhoun, Holmes, Jackson,



383046

- 11 Liberty, and Washington Counties.
- 12 (e) Daytona State College, which serves Flagler and Volusia  
13 Counties.
- 14 (f) ~~Florida~~ Southwestern State College, which serves  
15 Charlotte, Collier, Glades, Hendry, and Lee Counties.
- 16 (g) ~~Florida~~ State College at Jacksonville, which serves  
17 Duval and Nassau Counties.
- 18 (h) Florida Keys Community College, which serves Monroe  
19 County.
- 20 (i) Gulf Coast State College, which serves Bay, Franklin,  
21 and Gulf Counties.
- 22 (j) Hillsborough Community College, which serves  
23 Hillsborough County.
- 24 (k) Indian River State College, which serves Indian River,  
25 Martin, Okeechobee, and St. Lucie Counties.
- 26 (l) Florida Gateway College, which serves Baker, Columbia,  
27 Dixie, Gilchrist, and Union Counties.
- 28 (m) Lake-Sumter State College, which serves Lake and Sumter  
29 Counties.
- 30 (n) Suncoast ~~State~~ College of Florida, ~~Manatee-Sarasota~~,  
31 which serves Manatee and Sarasota Counties.
- 32 (o) Miami Dade College, which serves Miami-Dade County.
- 33 (p) North Florida Community College, which serves Hamilton,  
34 Jefferson, Lafayette, Madison, Suwannee, and Taylor Counties.
- 35 (q) Northwest Florida ~~State~~ College, which serves Okaloosa  
36 and Walton Counties.
- 37 (r) Palm Beach State College, which serves Palm Beach  
38 County.
- 39 (s) Pasco-Hernando State College, which serves Hernando and



383046

40 Pasco Counties.

41 (t) Pensacola State College, which serves Escambia and  
42 Santa Rosa Counties.

43 (u) Polk State College, which serves Polk County.

44 (v) St. Johns River State College, which serves Clay,  
45 Putnam, and St. Johns Counties.

46 (w) St. Petersburg College, which serves Pinellas County.

47 (x) Santa Fe College, which serves Alachua and Bradford  
48 Counties.

49 (y) Seminole State College ~~of Florida~~, which serves  
50 Seminole County.

51 (z) South Florida ~~State~~ College, which serves DeSoto,  
52 Hardee, and Highlands Counties.

53 (aa) Tallahassee Community College, which serves Gadsden,  
54 Leon, and Wakulla Counties.

55 (bb) Valencia College, which serves Orange and Osceola  
56 Counties.

57

58 By December 1, 2015, a Florida Community College System  
59 institution shall change its name to accurately reflect the  
60 institution's regional service area in order to be eligible to  
61 receive state funds. The institution may not, in its name,  
62 include the terms "Florida" and "state" together unless  
63 expressly authorized by law.



204804

LEGISLATIVE ACTION

Senate

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House

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Appropriations Subcommittee on Education (Stargel) recommended the following:

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**Senate Amendment to Amendment (383046)**

Delete line 60  
and insert:  
institution's service area in order to be eligible to



160058

LEGISLATIVE ACTION

Senate

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House

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Appropriations Subcommittee on Education (Stargel) recommended the following:

**Senate Amendment**

Delete lines 942 - 943  
and insert:  
program to the Division of Florida Community Colleges at least 180 ~~100~~ days before the submission of its proposal under



138510

LEGISLATIVE ACTION

Senate

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House

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Appropriations Subcommittee on Education (Stargel) recommended the following:

**Senate Amendment**

Delete lines 1115 - 1119  
and insert:

(6) (a) If the current total upper level, undergraduate full-time equivalent enrollment at a Florida Community College System institution is at or above 10 percent of the 2014-2015 combined total lower level and upper level full-time equivalent enrollment at that institution, the total upper level enrollment, as a percentage of the 2014-2015 combined



138510

11 enrollment, may not increase by more than 2 percentage points  
12 unless the institution obtains prior legislative approval.

13 (b) If the current total upper level, undergraduate full-  
14 time equivalent enrollment at a Florida Community College System  
15 institution is below 10 percent of the 2014-2015 combined total  
16 lower level and upper level full-time equivalent enrollment at  
17 that institution, the total upper level enrollment, as a  
18 percentage of the 2014-2015 combined enrollment, may not  
19 increase by more than 4 percentage points unless the institution  
20 obtains prior legislative approval.

21 (c) A Florida Community College System institution may  
22 exceed the enrollment threshold specified in this subsection if  
23 the institution can demonstrate need that is independently  
24 verified by a third-party professional entity and if a state  
25 university that offers a similar program is not located in the  
26 institution's regional service area.

By the Committee on Higher Education; and Senator Stargel

589-02768-15

20151252c1

1 A bill to be entitled  
 2 An act relating to higher education; amending s.  
 3 1000.03, F.S.; revising the mission of the Florida K-  
 4 20 education system; amending s. 1000.21, F.S.;  
 5 revising definitions to conform to the renaming of  
 6 "Florida College System institution" to "Florida  
 7 Community College System institution"; requiring a  
 8 Florida Community College System institution to change  
 9 its name by a specified date to maintain eligibility  
 10 for state funding; amending s. 1001.02, F.S.; revising  
 11 the duties of the State Board of Education with  
 12 respect to the supervision of the divisions of the  
 13 Department of Education; amending s. 1001.03, F.S.;  
 14 revising requirements for the state board's  
 15 articulation accountability measures; authorizing the  
 16 state board to take certain action in the event of  
 17 noncompliance of a district school board or a Florida  
 18 Community College System institution board of  
 19 trustees; defining the term "college"; specifying  
 20 authorized and prohibited uses of the term; conforming  
 21 provisions to changes made by the act; amending s.  
 22 1001.42, F.S.; prohibiting a technical center  
 23 governing board from approving specified courses and  
 24 programs; amending s. 1001.44, F.S.; prescribing the  
 25 mission and responsibilities of a career center  
 26 operated by a district school board; specifying  
 27 certain restrictions applicable to a career center;  
 28 amending s. 1001.60, F.S.; redesignating the "Florida  
 29 College System" as the "Florida Community College

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

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20151252c1

30 System"; revising provisions relating to the name  
 31 change of an institution; amending s. 1001.705, F.S.;  
 32 prescribing the mission and responsibilities of the  
 33 State University System; amending s. 1001.7065, F.S.;  
 34 requiring a state research university to enter into  
 35 and maintain a formal agreement with a specified  
 36 organization to offer college-sponsored merit  
 37 scholarship awards as a condition of designation as a  
 38 preeminent state research university; specifying that  
 39 continuation of a state research university's  
 40 institute for online learning is contingent on the  
 41 university entering into and maintaining such an  
 42 agreement; amending s. 1002.34, F.S.; prescribing the  
 43 mission and responsibilities of a charter technical  
 44 career center; specifying certain restrictions  
 45 applicable to a charter technical career center;  
 46 amending s. 1004.015, F.S.; revising the composition  
 47 of the Higher Education Coordinating Council; amending  
 48 s. 1004.65, F.S.; providing that Florida Community  
 49 College System institutions may offer upper level  
 50 instruction and award baccalaureate degrees, as  
 51 authorized; conforming provisions to changes made by  
 52 the act; amending s. 1004.92, F.S.; revising  
 53 requirements for program standards for career, adult,  
 54 and community education programs; requiring the state  
 55 board to adopt rules; amending s. 1007.01, F.S.;  
 56 revising required components for articulation policies  
 57 established and adopted by the state board and the  
 58 Board of Governors; amending s. 1007.23, F.S.;

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20151252c1

59 revising requirements for the statewide articulation  
 60 agreement; amending s. 1007.273, F.S.; revising  
 61 requirements for a contract between a district school  
 62 board and a Florida Community College System  
 63 institution for the administration of collegiate high  
 64 school programs; requiring school districts and  
 65 Florida Community College System institutions to  
 66 annually report specified information regarding  
 67 collegiate high school programs to the Department of  
 68 Education; amending s. 1007.33, F.S.; revising  
 69 provisions regarding baccalaureate degree programs  
 70 that may be offered by a Florida Community College  
 71 System institution; prohibiting a Florida Community  
 72 College System institution from offering a Bachelor of  
 73 Arts degree program; removing obsolete language;  
 74 revising provisions regarding the approval process for  
 75 baccalaureate degree programs; restricting total upper  
 76 level, undergraduate full-time equivalent enrollment  
 77 at a Florida Community College System institution;  
 78 amending s. 1008.38, F.S.; revising minimum  
 79 requirements for an articulation accountability  
 80 process; requiring the state board and the Board of  
 81 Governors to submit a report to the Governor and the  
 82 Legislature by a specified date; prescribing report  
 83 requirements; providing a directive to the Division of  
 84 Law Revision and Information; providing an effective  
 85 date.

86  
 87 Be It Enacted by the Legislature of the State of Florida:

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88  
 89 Section 1. Subsection (4) of section 1000.03, Florida  
 90 Statutes, is amended to read:  
 91 1000.03 Function, mission, and goals of the Florida K-20  
 92 education system.—  
 93 (4) The mission of Florida’s K-20 education system is to  
 94 allow its students to increase their proficiency by allowing  
 95 them the opportunity to expand their knowledge and skills  
 96 through rigorous and relevant learning opportunities, in  
 97 accordance with the mission of the applicable center or system  
 98 ~~statement~~ and accountability requirements of s. 1008.31, and  
 99 avoid wasteful duplication of programs offered by state  
 100 universities; Florida Community College System institutions; and  
 101 career centers and charter technical career centers that are  
 102 operated by district school boards.  
 103 Section 2. Subsection (3) of section 1000.21, Florida  
 104 Statutes, is amended to read:  
 105 1000.21 Systemwide definitions.—As used in the Florida K-20  
 106 Education Code:  
 107 (3) “Florida Community College System institution,” except  
 108 as otherwise specifically provided, includes all of the  
 109 following public postsecondary educational institutions in the  
 110 Florida Community College System and any branch campuses,  
 111 centers, or other affiliates of the institution:  
 112 (a) Brevard ~~Eastern Florida State~~ College, which serves  
 113 Brevard County.  
 114 (b) Broward College, which serves Broward County.  
 115 (c) College of Central Florida, which serves Citrus, Levy,  
 116 and Marion Counties.

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- 117 (d) Chipola College, which serves Calhoun, Holmes, Jackson,  
118 Liberty, and Washington Counties.
- 119 (e) Daytona ~~State~~ College, which serves Flagler and Volusia  
120 Counties.
- 121 (f) ~~Florida~~ Southwestern ~~State~~ College, which serves  
122 Charlotte, Collier, Glades, Hendry, and Lee Counties.
- 123 (g) ~~Florida State College at Jacksonville~~ College, which  
124 serves Duval and Nassau Counties.
- 125 (h) Florida Keys Community College, which serves Monroe  
126 County.
- 127 (i) Gulf Coast ~~State~~ College, which serves Bay, Franklin,  
128 and Gulf Counties.
- 129 (j) Hillsborough Community College, which serves  
130 Hillsborough County.
- 131 (k) Indian River ~~State~~ College, which serves Indian River,  
132 Martin, Okeechobee, and St. Lucie Counties.
- 133 (l) Lake City Florida Gateway College, which serves Baker,  
134 Columbia, Dixie, Gilchrist, and Union Counties.
- 135 (m) Lake-Sumter ~~State~~ College, which serves Lake and Sumter  
136 Counties.
- 137 (n) Manatee-Sarasota State College of Florida, Manatee-  
138 Sarasota, which serves Manatee and Sarasota Counties.
- 139 (o) Miami Dade College, which serves Miami-Dade County.
- 140 (p) North Florida Community College, which serves Hamilton,  
141 Jefferson, Lafayette, Madison, Suwannee, and Taylor Counties.
- 142 (q) Northwest ~~Florida State~~ College, which serves Okaloosa  
143 and Walton Counties.
- 144 (r) Palm Beach ~~State~~ College, which serves Palm Beach  
145 County.

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- 146 (s) Pasco-Hernando ~~State~~ College, which serves Hernando and  
147 Pasco Counties.
- 148 (t) Pensacola ~~State~~ College, which serves Escambia and  
149 Santa Rosa Counties.
- 150 (u) Polk ~~State~~ College, which serves Polk County.
- 151 (v) St. Johns River ~~State~~ College, which serves Clay,  
152 Putnam, and St. Johns Counties.
- 153 (w) St. Petersburg College, which serves Pinellas County.
- 154 (x) Santa Fe College, which serves Alachua and Bradford  
155 Counties.
- 156 (y) Seminole ~~State~~ College of Florida, which serves  
157 Seminole County.
- 158 (z) South Florida ~~State~~ College, which serves DeSoto,  
159 Hardee, and Highlands Counties.
- 160 (aa) Tallahassee Community College, which serves Gadsden,  
161 Leon, and Wakulla Counties.
- 162 (bb) Valencia College, which serves Orange and Osceola  
163 Counties.
- 164
- 165 By December 1, 2015, a Florida Community College System  
166 institution shall change its name to accurately reflect the  
167 institution's regional service area in order to be eligible to  
168 receive state funds. The institution may not, in its name,  
169 include the term "state" or indicate a statewide presence unless  
170 expressly authorized by law.
- 171 Section 3. Paragraph (c) of subsection (2) of section  
172 1001.02, Florida Statutes, is amended to read:  
173 1001.02 General powers of State Board of Education.-  
174 (2) The State Board of Education has the following duties:

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20151252c1

175 (c) To exercise general supervision over the divisions of  
 176 the Department of Education as necessary to ensure that programs  
 177 offered by Florida Community College System institutions, and  
 178 career centers and charter technical career centers that are  
 179 operated by district school boards, are consistent with the  
 180 mission of the applicable system or center to avoid wasteful  
 181 duplication of programs; to ensure coordination of educational  
 182 plans and programs and resolve controversies and to minimize  
 183 problems of articulation and student transfers;7 to ensure that  
 184 students moving from one level of education to the next have  
 185 acquired competencies necessary for satisfactory performance at  
 186 that level;7 and to ensure maximum utilization of facilities.

187 Section 4. Subsections (7), (8), (12), and (15) of section  
 188 1001.03, Florida Statutes, are amended to read:

189 1001.03 Specific powers of State Board of Education.—  
 190 (7) ARTICULATION ACCOUNTABILITY.—The State Board of  
 191 Education shall develop articulation accountability measures  
 192 that assess the status of systemwide articulation processes and  
 193 preserve Florida's "2+2" system of articulation, in conjunction  
 194 with the Board of Governors regarding the State University  
 195 System, and shall establish an articulation accountability  
 196 process in accordance with the provisions of chapter 1008, in  
 197 conjunction with the Board of Governors regarding the State  
 198 University System.

199 (8) SYSTEMWIDE ENFORCEMENT.—  
 200 (a) The State Board of Education shall enforce compliance  
 201 with law and state board rule by all school districts and public  
 202 postsecondary educational institutions, except for the State  
 203 University System, in accordance with this subsection and the

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204 ~~provisions of s. 1008.32.~~  
 205 (b) If the State Board of Education determines that a  
 206 district school board or Florida Community College System  
 207 institution board of trustees is unwilling or unable to comply  
 208 with law or state board rule within the specified time, the  
 209 state board is authorized to initiate any of the following  
 210 actions:

211 1. Report to the Legislature that the school district or  
 212 Florida Community College System institution is unwilling or  
 213 unable to comply with law or state board rule and recommend  
 214 action to be taken by the Legislature.

215 2. Withhold the transfer of state funds, discretionary  
 216 grant funds, discretionary lottery funds, or any other funds  
 217 specified as eligible for this purpose by the Legislature until  
 218 the school district or Florida Community College System  
 219 institution complies with the law or state board rule.

220 3. Declare the school district or Florida Community College  
 221 System institution ineligible for competitive grants.

222 4. Require monthly or periodic reporting on the situation  
 223 related to noncompliance until it is remedied.

224 (12) COMMON POSTSECONDARY DEFINITIONS.—  
 225 (a) The term "college" means any Florida Community College  
 226 System institution offering a substantially complete program  
 227 that confers at least an associate degree requiring at least 15  
 228 semester hours or the equivalent of general education, or that  
 229 furnishes or offers to furnish instruction leading toward, or  
 230 prerequisite to, college credit. The use of the designation  
 231 "college" in combination with any series of letters, numbers, or  
 232 words is restricted in this state to Florida Community College

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233 System institutions and colleges as defined in s. 1005.03. An  
 234 entity may not use the designation "college" in its name without  
 235 prior approval by the Legislature or the Commission for  
 236 Independent Education pursuant to s. 1005.03, as applicable.

237 (b) The State Board of Education shall adopt, by rule,  
 238 common definitions for associate in science degrees and for  
 239 certificates.

240 (15) FLORIDA COMMUNITY COLLEGE SYSTEM INSTITUTION  
 241 BACCALAUREATE DEGREE PROGRAMS.—The State Board of Education  
 242 shall provide for the review and approval of proposals by  
 243 Florida Community College System institutions to offer  
 244 baccalaureate degree programs pursuant to s. 1007.33. A Florida  
 245 Community College System institution, as defined in s. 1000.21,  
 246 that is approved to offer baccalaureate degrees pursuant to s.  
 247 1007.33 remains under the authority of the State Board of  
 248 Education and the Florida Community College System institution's  
 249 board of trustees. ~~The State Board of Education may not approve~~  
 250 ~~Florida College System institution baccalaureate degree program~~  
 251 ~~proposals from March 31, 2014, through May 31, 2015.~~

252 Section 5. Subsection (26) of section 1001.42, Florida  
 253 Statutes, is amended to read:

254 1001.42 Powers and duties of district school board.—The  
 255 district school board, acting as a board, shall exercise all  
 256 powers and perform all duties listed below:

257 (26) TECHNICAL CENTER GOVERNING BOARD.—May appoint a  
 258 governing board for a school district technical center or a  
 259 system of technical centers for the purpose of aligning the  
 260 educational programs of the technical center with the needs of  
 261 local businesses and responding quickly to the needs of local

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262 businesses for employees holding industry certifications. A  
 263 technical center governing board shall be comprised of seven  
 264 members, three of whom must be members of the district school  
 265 board or their designees and four of whom must be local business  
 266 leaders. The district school board shall delegate to the  
 267 technical center governing board decisions regarding entrance  
 268 requirements for students, curriculum, program development,  
 269 budget and funding allocations, and the development with local  
 270 businesses of partnership agreements and appropriate industry  
 271 certifications in order to meet local and regional economic  
 272 needs. A technical center governing board may approve only  
 273 courses and programs that contain industry certifications. A  
 274 course may be continued if at least 25 percent of the students  
 275 enrolled in the course attain an industry certification. If  
 276 fewer than 25 percent of the students enrolled in a course  
 277 attain an industry certification, the course must be  
 278 discontinued the following year. However, notwithstanding the  
 279 authority to approve courses and programs under this subsection,  
 280 a technical center governing board may not approve college  
 281 credit courses or college credit certificate, associate degree,  
 282 or baccalaureate degree programs.

283 Section 6. Section 1001.44, Florida Statutes is amended to  
 284 read:

285 1001.44 Career centers; governance, mission, and  
 286 responsibilities.—

287 (1) DISTRICT SCHOOL BOARD MAY ESTABLISH OR ACQUIRE CAREER  
 288 CENTERS.—Any district school board, after first obtaining the  
 289 approval of the Department of Education, may, as a part of the  
 290 district school system, organize, establish and operate a career

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291 center, or acquire and operate a career center previously  
292 established.

293 (a) The primary mission of a career center that is operated  
294 by a district school board is to promote advances and  
295 innovations in workforce preparation and economic development. A  
296 career center may provide a learning environment that serves the  
297 needs of a specific population group or group of occupations,  
298 thus promoting diversity and choices within the public technical  
299 education community in this state.

300 (b) A career center that is operated by a district school  
301 board may not:

302 1. Offer college credit courses or college credit  
303 certificate, associate degree, or baccalaureate degree programs.

304 2. In its name, include the term "college" or indicate that  
305 the center has the authority to offer college credit courses or  
306 college credit certificate, associate degree, or baccalaureate  
307 degree programs.

308 (2) DISTRICT SCHOOL BOARDS OF CONTIGUOUS DISTRICTS MAY  
309 ESTABLISH OR ACQUIRE CAREER CENTERS.—The district school boards  
310 of any two or more contiguous districts may, upon first  
311 obtaining the approval of the department, enter into an  
312 agreement to organize, establish and operate, or acquire and  
313 operate, a career center under this section.

314 (3) CAREER CENTER PART OF DISTRICT SCHOOL SYSTEM DIRECTED  
315 BY A DIRECTOR.—

316 (a) A career center established or acquired under  
317 provisions of law and minimum standards prescribed by the  
318 commissioner shall comprise a part of the district school system  
319 and shall mean an educational institution offering terminal

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320 courses of a technical nature which are not for college credit,  
321 and courses for out-of-school youth and adults; shall be subject  
322 to all applicable provisions of this code; shall be under the  
323 control of the district school board of the school district in  
324 which it is located; and shall be directed by a director  
325 responsible through the district school superintendent to the  
326 district school board of the school district in which the center  
327 is located.

328 (b) Each career center shall maintain an academic  
329 transcript for each student enrolled in the center. Such  
330 transcript shall delineate each course completed by the student.  
331 Courses shall be delineated by the course prefix and title  
332 assigned pursuant to s. 1007.24. The center shall make a copy of  
333 a student's transcript available to any student who requests it.

334 Section 7. Section 1001.60, Florida Statutes, is amended to  
335 read:

336 1001.60 Florida Community College System.—

337 (1) PURPOSES.—In order to maximize open access for  
338 students, respond to community needs for postsecondary academic  
339 education and career degree education, and provide associate and  
340 baccalaureate degrees that will best meet the state's employment  
341 needs, the Legislature establishes a system of governance for  
342 the Florida Community College System.

343 (2) FLORIDA COMMUNITY COLLEGE SYSTEM.—There shall be a  
344 single Florida Community College System comprised of the Florida  
345 Community College System institutions identified in s.  
346 1000.21(3). A Florida Community College System institution may  
347 not offer graduate degree programs.

348 (a) The programs and services offered by Florida Community

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349 College System institutions in providing associate and  
 350 baccalaureate degrees shall be delivered in a cost-effective  
 351 manner that demonstrates substantial savings to the student and  
 352 to the state over the cost of providing the degree at a state  
 353 university.

354 (b)1. With the approval of its district board of trustees,  
 355 a Florida Community College System institution that is  
 356 authorized by the State Board of Education to grant  
 357 baccalaureate degree programs pursuant to s. 1007.33 and has  
 358 been accredited as a baccalaureate-degree-granting institution  
 359 by the Commission on Colleges of the Southern Association of  
 360 Colleges and Schools may, after prior approval by the  
 361 Legislature by law, may change the institution's name to  
 362 accurately reflect the institution's regional service area set  
 363 forth in s. 1000.21(3) and may use the designation "college" or  
 364 "state college" if it has been authorized to grant baccalaureate  
 365 degrees pursuant to s. 1007.33 and has been accredited as a  
 366 baccalaureate-degree-granting institution by the Commission on  
 367 Colleges of the Southern Association of Colleges and Schools.  
 368 However, the institution may not, in its name, include the term  
 369 "state" or indicate a statewide presence unless expressly  
 370 authorized by law.

371 2. With the approval of its district board of trustees, a  
 372 Florida Community College System institution that does not meet  
 373 the criteria in subparagraph 1. may request approval from the  
 374 State Board of Education to change the institution's name set  
 375 forth in s. 1000.21(3) and use the designation "college." The  
 376 State Board of Education may approve the request if the Florida  
 377 Community College System institution enters into an agreement

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378 with the State Board of Education to do the following:

- 379 a. Maintain as its primary mission responsibility for  
 380 responding to community needs for postsecondary academic  
 381 education and career degree education as prescribed in s.  
 382 1004.65(5).  
 383 b. Maintain an open-door admissions policy for associate-  
 384 level degree programs and workforce education programs.  
 385 c. Continue to provide outreach to underserved populations.  
 386 d. Continue to provide remedial education.  
 387 e. Comply with all provisions of the statewide articulation  
 388 agreement that relate to 2-year and 4-year public degree-  
 389 granting institutions as adopted by the State Board of Education  
 390 pursuant to s. 1007.23.

391 (c) A district board of trustees that approves a change to  
 392 the name of an institution under paragraph (b) must seek  
 393 statutory codification of such name change in s. 1000.21(3)  
 394 during the next regular legislative session.

395 (d) A Florida Community College System institution may not  
 396 use the designation "university."

397 (3) LOCAL BOARDS OF TRUSTEES.—Each institution within the  
 398 Florida Community College System shall be governed by a local  
 399 board of trustees as provided in s. 1001.64. The membership of  
 400 each local board of trustees shall be as provided in s. 1001.61.

401 Section 8. Subsection (4) is added to section 1001.705,  
 402 Florida Statutes, to read:

403 1001.705 Responsibility for the State University System  
 404 under s. 7, Art. IX of the State Constitution.—

405 (4) MISSION AND RESPONSIBILITIES.—The mission of the state  
 406 university system is to promote excellence through teaching

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407 students, advancing research, and providing public service for  
 408 the benefit of Florida's citizens and their communities and  
 409 economies. A state university may provide students undergraduate  
 410 and graduate level instruction leading to baccalaureate,  
 411 masters, doctoral, or professional degrees or certificates in  
 412 accordance with the requirements of subsection (2).

413 Section 9. Subsections (3) and (4) of section 1001.7065,  
 414 Florida Statutes, are amended to read:

415 1001.7065 Preeminent state research universities program.—

416 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—The  
 417 Board of Governors shall designate each state research  
 418 university that meets at least 11 of the 12 academic and  
 419 research excellence standards identified in subsection (2) and  
 420 that enters into and maintains a formal agreement with the  
 421 National Merit Scholarship Corporation to offer college-  
 422 sponsored merit scholarship awards a preeminent state research  
 423 university.

424 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR  
 425 ONLINE LEARNING.—A state research university that, as of July 1,  
 426 2013, ~~met~~ meets all 12 of the academic and research excellence  
 427 standards identified in subsection (2), as verified by the Board  
 428 of Governors, shall establish an institute for online learning.  
 429 Continuation of the institute for online learning is contingent  
 430 upon a state research university entering into and maintaining a  
 431 formal agreement with the National Merit Scholarship Corporation  
 432 to offer college-sponsored merit scholarship awards. The  
 433 institute shall establish a robust offering of high-quality,  
 434 fully online baccalaureate degree programs at an affordable cost  
 435 in accordance with this subsection.

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436 (a) By August 1, 2013, the Board of Governors shall convene  
 437 an advisory board to support the development of high-quality,  
 438 fully online baccalaureate degree programs at the university.

439 (b) The advisory board shall:

440 1. Offer expert advice, as requested by the university, in  
 441 the development and implementation of a business plan to expand  
 442 the offering of high-quality, fully online baccalaureate degree  
 443 programs.

444 2. Advise the Board of Governors on the release of funding  
 445 to the university upon approval by the Board of Governors of the  
 446 plan developed by the university.

447 3. Monitor, evaluate, and report on the implementation of  
 448 the plan to the Board of Governors, the Governor, the President  
 449 of the Senate, and the Speaker of the House of Representatives.

450 (c) The advisory board shall be composed of the following  
 451 five members:

452 1. The chair of the Board of Governors or the chair's  
 453 permanent designee.

454 2. A member with expertise in online learning, appointed by  
 455 the Board of Governors.

456 3. A member with expertise in global marketing, appointed  
 457 by the Governor.

458 4. A member with expertise in cloud virtualization,  
 459 appointed by the President of the Senate.

460 5. A member with expertise in disruptive innovation,  
 461 appointed by the Speaker of the House of Representatives.

462 (d) The president of the university shall be consulted on  
 463 the advisory board member appointments.

464 (e) A majority of the advisory board shall constitute a

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465 quorum, elect the chair, and appoint an executive director.  
 466 (f) By September 1, 2013, the university shall submit to  
 467 the advisory board a comprehensive plan to expand high-quality,  
 468 fully online baccalaureate degree program offerings. The plan  
 469 shall include:  
 470 1. Existing on-campus general education courses and  
 471 baccalaureate degree programs that will be offered online.  
 472 2. New courses that will be developed and offered online.  
 473 3. Support services that will be offered to students  
 474 enrolled in online baccalaureate degree programs.  
 475 4. A tuition and fee structure that meets the requirements  
 476 in paragraph (k) for online courses, baccalaureate degree  
 477 programs, and student support services.  
 478 5. A timeline for offering, marketing, and enrolling  
 479 students in the online baccalaureate degree programs.  
 480 6. A budget for developing and marketing the online  
 481 baccalaureate degree programs.  
 482 7. Detailed strategies for ensuring the success of students  
 483 and the sustainability of the online baccalaureate degree  
 484 programs.  
 485  
 486 Upon recommendation of the plan by the advisory board and  
 487 approval by the Board of Governors, the Board of Governors shall  
 488 award the university \$10 million in nonrecurring funds and \$5  
 489 million in recurring funds for fiscal year 2013-2014 and \$5  
 490 million annually thereafter, subject to appropriation in the  
 491 General Appropriations Act.  
 492 (g) Beginning in January 2014, the university shall offer  
 493 high-quality, fully online baccalaureate degree programs that:

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494 1. Accept full-time, first-time-in-college students.  
 495 2. Have the same rigorous admissions criteria as equivalent  
 496 on-campus degree programs.  
 497 3. Offer curriculum of equivalent rigor to on-campus degree  
 498 programs.  
 499 4. Offer rolling enrollment or multiple opportunities for  
 500 enrollment throughout the year.  
 501 5. Do not require any on-campus courses. However, for  
 502 courses or programs that require clinical training or  
 503 laboratories that cannot be delivered online, the university  
 504 shall offer convenient locational options to the student, which  
 505 may include, but are not limited to, the option to complete such  
 506 requirements at a summer-in-residence on the university campus.  
 507 The university may provide a network of sites at convenient  
 508 locations and contract with commercial testing centers or  
 509 identify other secure testing services for the purpose of  
 510 proctoring assessments or testing.  
 511 6. Apply the university's existing policy for accepting  
 512 credits for both freshman applicants and transfer applicants.  
 513 (h) The university may offer a fully online Master's in  
 514 Business Administration degree program and other master's degree  
 515 programs.  
 516 (i) The university may develop and offer degree programs  
 517 and courses that are competency based as appropriate for the  
 518 quality and success of the program.  
 519 (j) The university shall periodically expand its offering  
 520 of online baccalaureate degree programs to meet student and  
 521 market demands.  
 522 (k) The university shall establish a tuition structure for

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523 its online institute in accordance with this paragraph,  
524 notwithstanding any other provision of law.

525 1. For students classified as residents for tuition  
526 purposes, tuition for an online baccalaureate degree program  
527 shall be set at no more than 75 percent of the tuition rate as  
528 specified in the General Appropriations Act pursuant to s.  
529 1009.24(4) and 75 percent of the tuition differential pursuant  
530 to s. 1009.24(16). No distance learning fee, fee for campus  
531 facilities, or fee for on-campus services may be assessed,  
532 except that online students shall pay the university's  
533 technology fee, financial aid fee, and Capital Improvement Trust  
534 Fund fee. The revenues generated from the Capital Improvement  
535 Trust Fund fee shall be dedicated to the university's institute  
536 for online learning.

537 2. For students classified as nonresidents for tuition  
538 purposes, tuition may be set at market rates in accordance with  
539 the business plan.

540 3. Tuition for an online degree program shall include all  
541 costs associated with instruction, materials, and enrollment,  
542 excluding costs associated with the provision of textbooks  
543 pursuant to s. 1004.085 and physical laboratory supplies.

544 4. Subject to the limitations in subparagraph 1., tuition  
545 may be differentiated by degree program as appropriate to the  
546 instructional and other costs of the program in accordance with  
547 the business plan. Pricing must incorporate innovative  
548 approaches that incentivize persistence and completion,  
549 including, but not limited to, a fee for assessment, a bundled  
550 or all-inclusive rate, and sliding scale features.

551 5. The university must accept advance payment contracts and

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552 student financial aid.

553 6. Fifty percent of the net revenues generated from the  
554 online institute of the university shall be used to enhance and  
555 enrich the online institute offerings, and 50 percent of the net  
556 revenues generated from the online institute shall be used to  
557 enhance and enrich the university's campus state-of-the-art  
558 research programs and facilities.

559 7. The institute may charge additional local user fees  
560 pursuant to s. 1009.24(14) upon the approval of the Board of  
561 Governors.

562 8. The institute shall submit a proposal to the president  
563 of the university authorizing additional user fees for the  
564 provision of voluntary student participation in activities and  
565 additional student services.

566 Section 10. Subsection (1) of section 1002.34, Florida  
567 Statutes, is amended to read:

568 1002.34 Charter technical career centers; governance,  
569 mission, and responsibilities.—

570 (1) AUTHORIZATION AND MISSION.—

571 (a) The primary mission of a charter technical career  
572 center is to promote ~~The Legislature finds that the~~  
573 ~~establishment of charter technical career centers can assist in~~  
574 ~~promoting~~ advances and innovations in workforce preparation and  
575 economic development. A charter technical career center may  
576 provide a learning environment that ~~better~~ serves the needs of a  
577 specific population group or a group of occupations, thus  
578 promoting diversity and choices within the public ~~education and~~  
579 ~~public postsecondary~~ technical education community in this  
580 state. Therefore, the creation of such centers is authorized as

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581 part of the state's program of public education. A charter  
 582 technical career center may be formed by creating a new school  
 583 or converting an existing school district or Florida Community  
 584 College System institution program to charter technical status.  
 585 (b) A charter technical career center that is operated by a  
 586 district school board may not:  
 587 1. Offer college credit courses or college credit  
 588 certificate, associate degree, or baccalaureate degree programs.  
 589 2. Include in its name the term "college" or indicate that  
 590 the center has the authority to offer college credit courses or  
 591 college credit certificate, associate degree, or baccalaureate  
 592 degree programs.  
 593 Section 11. Subsection (2) of section 1004.015, Florida  
 594 Statutes, is amended to read:  
 595 1004.015 Higher Education Coordinating Council.—  
 596 (2) Members of the council ~~shall~~ include:  
 597 (a) One member of the Board of Governors, appointed by the  
 598 chair of the Board of Governors.  
 599 (b) The Chancellor of the State University System.  
 600 (c) The Chancellor of the Florida Community College System.  
 601 (d) The Chancellor of Career and Adult Education.  
 602 ~~(e)~~ One member of the State Board of Education,  
 603 appointed by the chair of the State Board of Education.  
 604 ~~(f)~~ The Executive Director of the Florida Association of  
 605 Postsecondary Schools and Colleges.  
 606 ~~(g)~~ The president of the Independent Colleges and  
 607 Universities of Florida.  
 608 ~~(h)~~ The president of Workforce Florida, Inc., or his or  
 609 her designee.

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610 ~~(i)~~ The president of Enterprise Florida, Inc., or a  
 611 designated member of the Stakeholders Council appointed by the  
 612 president.  
 613 ~~(j)~~ Three representatives of the business community, one  
 614 appointed by the President of the Senate, one appointed by the  
 615 Speaker of the House of Representatives, and one appointed by  
 616 the Governor, who are committed to developing and enhancing  
 617 world class workforce infrastructure necessary for Florida's  
 618 citizens to compete and prosper in the ever-changing economy of  
 619 the 21st century.  
 620 Section 12. Section 1004.65, Florida Statutes, is amended  
 621 to read:  
 622 1004.65 Florida Community College System institutions;  
 623 governance, mission, and responsibilities.—  
 624 (1) Each Florida Community College System institution shall  
 625 be governed by a district board of trustees under statutory  
 626 authority and rules of the State Board of Education.  
 627 (2) Each Florida Community College System institution  
 628 district shall:  
 629 (a) Consist of the county or counties served by the Florida  
 630 Community College System institution pursuant to s. 1000.21(3).  
 631 (b) Be an independent, separate, legal entity created for  
 632 the operation of a Florida Community College System institution.  
 633 (3) Florida Community College System institutions are  
 634 locally based and governed entities with statutory and funding  
 635 ties to state government. As such, the mission for Florida  
 636 Community College System institutions reflects a commitment to  
 637 be responsive to local educational needs and challenges. In  
 638 achieving this mission, Florida Community College System

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639 institutions strive to maintain sufficient local authority and  
640 flexibility while preserving appropriate legal accountability to  
641 the state.

642 (4) As comprehensive institutions, Florida Community  
643 College System institutions shall provide high-quality,  
644 affordable education and training opportunities, shall foster a  
645 climate of excellence, and shall provide opportunities to all  
646 while combining high standards with an open-door admission  
647 policy for lower-division programs. Florida Community College  
648 System institutions shall, as open-access institutions, serve  
649 all who can benefit, without regard to age, race, gender, creed,  
650 or ethnic or economic background, while emphasizing the  
651 achievement of social and educational equity so that all can be  
652 prepared for full participation in society.

653 (5) The primary mission and responsibility of Florida  
654 Community College System institutions is responding to community  
655 needs for postsecondary academic education and career degree  
656 education. This mission and responsibility includes being  
657 responsible for:

658 (a) Providing lower level undergraduate instruction and  
659 awarding associate degrees.

660 (b) Preparing students directly for careers requiring less  
661 than baccalaureate degrees. This may include preparing for job  
662 entry, supplementing of skills and knowledge, and responding to  
663 needs in new areas of technology. Career education in a Florida  
664 Community College System institution shall consist of career  
665 certificates, credit courses leading to associate in science  
666 degrees and associate in applied science degrees, and other  
667 programs in fields requiring substantial academic work,

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668 background, or qualifications. A Florida Community College  
669 System institution may offer career education programs in fields  
670 having lesser academic or technical requirements.

671 (c) Providing student development services, including  
672 assessment, student tracking, support for disabled students,  
673 advisement, counseling, financial aid, career development, and  
674 remedial and tutorial services, to ensure student success.

675 (d) Promoting economic development for the state within  
676 each Florida Community College System institution district  
677 through the provision of special programs, including, but not  
678 limited to, the:

- 679 1. Enterprise Florida-related programs.
- 680 2. Technology transfer centers.
- 681 3. Economic development centers.
- 682 4. Workforce literacy programs.

683 (e) Providing dual enrollment instruction.

684 ~~(f) Providing upper level instruction and awarding~~  
685 ~~baccalaureate degrees as specifically authorized by law.~~

686 (6) A separate and secondary role for Florida Community  
687 College System institutions includes the offering of ~~programs~~  
688 ~~in~~:

689 (a) Programs in community services that are not directly  
690 related to academic or occupational advancement.

691 (b) Programs in adult education services, including adult  
692 basic education, adult general education, adult secondary  
693 education, and high school equivalency examination instruction.

694 (c) Programs in recreational and leisure services.

695 (d) Upper level instruction and awarding baccalaureate  
696 degrees as specifically authorized by law.

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697 (7) Funding for Florida Community College System  
 698 institutions shall reflect their mission as follows:  
 699 (a) Postsecondary academic and career education programs  
 700 and adult general education programs shall have first priority  
 701 in Florida Community College System institution funding.  
 702 (b) Community service programs shall be presented to the  
 703 Legislature with rationale for state funding. The Legislature  
 704 may identify priority areas for use of these funds.  
 705 (c) The resources of a Florida Community College System  
 706 institution, including staff, faculty, land, and facilities,  
 707 shall not be used to support the establishment of a new  
 708 independent nonpublic educational institution. If any  
 709 institution uses resources for such purpose, the Division of  
 710 Florida Community Colleges shall notify the President of the  
 711 Senate and the Speaker of the House of Representatives.  
 712 (8) Florida Community College System institutions are  
 713 authorized to:  
 714 (a) Offer such programs and courses as are necessary to  
 715 fulfill their mission.  
 716 (b) Grant associate in arts degrees, associate in science  
 717 degrees, associate in applied science degrees, certificates,  
 718 awards, and diplomas.  
 719 (c) Make provisions for the high school equivalency  
 720 examination.  
 721 (d) Provide access to and award baccalaureate degrees in  
 722 accordance with law.  
 723  
 724 Authority to offer one or more baccalaureate degree programs  
 725 does not alter the governance relationship of the Florida

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726 Community College System institution with its district board of  
 727 trustees or the State Board of Education.  
 728 Section 13. Paragraph (b) of subsection (2) of section  
 729 1004.92, Florida Statutes, is amended, and subsection (4) is  
 730 added to that section, to read:  
 731 1004.92 Purpose and responsibilities for career education.—  
 732 (2)  
 733 (b) Department of Education accountability for career  
 734 education includes, but is not limited to:  
 735 1. The provision of timely, accurate technical assistance  
 736 to school districts and Florida Community College System  
 737 institutions.  
 738 2. The provision of timely, accurate information to the  
 739 State Board of Education, the Legislature, and the public.  
 740 3. The development of policies, rules, and procedures that  
 741 facilitate institutional attainment of the accountability  
 742 standards and coordinate the efforts of all divisions within the  
 743 department.  
 744 4. The development of program standards and industry-driven  
 745 benchmarks for career, adult, and community education programs,  
 746 which must be updated every 3 years. The standards must include  
 747 career, academic, and workplace skills; viability of distance  
 748 learning for instruction; ~~and~~ work/learn cycles that are  
 749 responsive to business and industry; and provisions that reflect  
 750 the quality components of career and technical education  
 751 programs.  
 752 5. Overseeing school district and Florida Community College  
 753 System institution compliance with the provisions of this  
 754 chapter.

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755 6. Ensuring that the educational outcomes for the technical  
756 component of career programs are uniform and designed to provide  
757 a graduate who is capable of entering the workforce on an  
758 equally competitive basis regardless of the institution of  
759 choice.

760 (4) The State Board of Education shall adopt rules to  
761 administer this section.

762 Section 14. Subsection (2) of section 1007.01, Florida  
763 Statutes, is amended to read:

764 1007.01 Articulation; legislative intent; purpose; role of  
765 the State Board of Education and the Board of Governors;  
766 Articulation Coordinating Committee.-

767 (2) To preserve Florida's "2+2" system of articulation and  
768 improve and facilitate articulation systemwide, the State Board  
769 of Education and the Board of Governors shall collaboratively  
770 establish and adopt policies with input from statewide K-20  
771 advisory groups established by the Commissioner of Education and  
772 the Chancellor of the State University System and shall  
773 recommend the policies to the Legislature. The policies shall  
774 relate to:

775 (a) The alignment between the exit requirements of one  
776 education system and the admissions requirements of another  
777 education system into which students typically transfer.

778 (b) The identification of common courses, the level of  
779 courses, institutional participation in a statewide course  
780 numbering system, and the transferability of credits among such  
781 institutions.

782 (c) Identification of courses that meet general education  
783 or common degree program prerequisite requirements at public

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784 postsecondary educational institutions.

785 (d) Dual enrollment course equivalencies.

786 (e) Articulation agreements.

787 (f) The application of credit hours earned through CAPE  
788 industry certifications pursuant to s. 1008.44 and acceleration  
789 mechanisms, including nationally standardized examinations, to  
790 general education, associate degree, or baccalaureate degree  
791 requirements.

792 (g) The application of credit hours earned at Florida  
793 Community College System institutions to general education,  
794 associate degree, or baccalaureate degree requirements at state  
795 universities.

796 Section 15. Subsection (1) of section 1007.23, Florida  
797 Statutes, is amended to read:

798 1007.23 Statewide articulation agreement.-

799 (1) The State Board of Education and the Board of Governors  
800 shall enter into a statewide articulation agreement which the  
801 State Board of Education shall adopt by rule. The agreement must  
802 preserve Florida's "2+2" system of articulation, facilitate the  
803 seamless articulation of student credit across and among  
804 Florida's educational entities, and reinforce the provisions of  
805 this chapter by governing:

806 (a) Articulation between secondary and postsecondary  
807 education;

808 (b) Admission of associate in arts degree graduates from  
809 Florida Community College System institutions and state  
810 universities;

811 (c) Admission of applied technology diploma program  
812 graduates from Florida Community College System institutions or

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813 career centers;

814 (d) Admission of associate in science degree and associate  
815 in applied science degree graduates from Florida Community  
816 College System institutions;

817 (e) The ~~application use~~ of credit hours earned through CAPE  
818 industry certifications pursuant to s. 1008.44 and acceleration  
819 mechanisms, including nationally standardized examinations, to  
820 general education, associate degree, or baccalaureate degree  
821 requirements through which students may earn credit;

822 (f) General education requirements and statewide course  
823 numbers as provided for in ss. 1007.24 and 1007.25; ~~and~~

824 (g) Articulation among programs in nursing; ~~and~~

825 (h) The application of credit hours earned at Florida  
826 Community College System institutions to general education,  
827 associate degree, or baccalaureate degree requirements at state  
828 universities.

829 Section 16. Subsection (3) of section 1007.273, Florida  
830 Statutes, is amended to read:

831 1007.273 Collegiate high school program.—

832 (3) Each district school board and its local Florida  
833 Community College System institution shall execute a contract to  
834 establish one or more collegiate high school programs at a  
835 mutually agreed upon location or locations. ~~The contract between~~  
836 the district school board and the Florida Community College  
837 System institution may not establish an enrollment cap for the  
838 collegiate high school program. Each school district must  
839 document and annually report to the department the number of  
840 students accepted into or denied access to the collegiate high  
841 school program. Each Florida Community College System

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842 institution must document and annually report to the department  
843 the percent of collegiate high school program students in its  
844 institution relative to the total lower level full-time  
845 equivalent enrollment at that institution. Beginning with the  
846 2015-2016 school year, if the institution does not establish a  
847 program with a district school board in its designated service  
848 area, another Florida Community College System institution may  
849 execute a contract with that district school board to establish  
850 the program. The contract must be executed by January 1 of each  
851 school year for implementation of the program during the next  
852 school year. The contract must:

853 (a) Identify the grade levels to be included in the  
854 collegiate high school program which must, at a minimum, include  
855 grade 12.

856 (b) Describe the collegiate high school program, including  
857 the delineation of courses and industry certifications offered,  
858 including online course availability; the high school and  
859 college credits earned for each postsecondary course completed  
860 and industry certification earned; student eligibility criteria;  
861 and the enrollment process and relevant deadlines.

862 (c) Describe the methods, medium, and process by which  
863 students and their parents are annually informed about the  
864 availability of the collegiate high school program, the return  
865 on investment associated with participation in the program, and  
866 the information described in paragraphs (a) and (b).

867 (d) Identify the delivery methods for instruction and the  
868 instructors for all courses.

869 (e) Identify student advising services and progress  
870 monitoring mechanisms.

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871 (f) Establish a program review and reporting mechanism  
872 regarding student performance outcomes.

873 (g) Describe the terms of funding arrangements to implement  
874 the collegiate high school program.

875 Section 17. Subsections (1), (4), and (5) of section  
876 1007.33, Florida Statutes, are amended, present subsection (6)  
877 of that section is redesignated as subsection (7), and a new  
878 subsection (6) is added to that section, to read:

879 1007.33 Site-determined baccalaureate degree access.—

880 (1) (a) The Legislature recognizes that public and private  
881 postsecondary educational institutions play an essential role in  
882 improving the quality of life and economic well-being of the  
883 state and its residents. The Legislature also recognizes that  
884 economic development needs and the educational needs of place-  
885 bound, nontraditional students have increased the demand for  
886 local access to baccalaureate degree programs. It is therefore  
887 the intent of the Legislature to further expand access to  
888 baccalaureate degree programs through the use of Florida  
889 Community College System institutions.

890 (b) For purposes of this section, the term "district"  
891 refers to the county or counties served by a Florida Community  
892 College System institution pursuant to s. 1000.21(3).

893 (4) A Florida Community College System institution may:

894 (a) Offer specified baccalaureate degree programs through  
895 formal agreements between the Florida Community College System  
896 institution and other regionally accredited postsecondary  
897 educational institutions pursuant to s. 1007.22.

898 (b) Offer baccalaureate degree programs that are ~~were~~  
899 authorized by law ~~prior to July 1, 2009.~~

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900 ~~(e) Beginning July 1, 2009, establish a first or subsequent~~  
901 ~~baccalaureate degree program~~ for purposes of meeting district,  
902 regional, or statewide workforce needs if approved by the State  
903 Board of Education under this section. However, a Florida  
904 Community College System institution may not offer a Bachelor of  
905 Arts degree program.

906  
907 ~~Beginning July 1, 2009, the Board of Trustees of St. Petersburg~~  
908 ~~College is authorized to establish one or more bachelor of~~  
909 ~~applied science degree programs based on an analysis of~~  
910 ~~workforce needs in Pinellas, Pasco, and Hernando Counties and~~  
911 ~~other counties approved by the Department of Education. For each~~  
912 ~~program selected, St. Petersburg College must offer a related~~  
913 ~~associate in science or associate in applied science degree~~  
914 ~~program, and the baccalaureate degree level program must be~~  
915 ~~designed to articulate fully with at least one associate in~~  
916 ~~science degree program. The college is encouraged to develop~~  
917 ~~articulation agreements for enrollment of graduates of related~~  
918 ~~associate in applied science degree programs. The Board of~~  
919 ~~Trustees of St. Petersburg College is authorized to establish~~  
920 ~~additional baccalaureate degree programs if it determines a~~  
921 ~~program is warranted and feasible based on each of the factors~~  
922 ~~in paragraph (5) (d). However, the Board of Trustees of St.~~  
923 ~~Petersburg College may not establish any new baccalaureate~~  
924 ~~degree programs from March 31, 2014, through May 31, 2015. Prior~~  
925 ~~to developing or proposing a new baccalaureate degree program,~~  
926 ~~St. Petersburg College shall engage in need, demand, and impact~~  
927 ~~discussions with the state university in its service district~~  
928 ~~and other local and regional, accredited postsecondary providers~~

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929 ~~in its region. Documentation, data, and other information from~~  
 930 ~~inter-institutional discussions regarding program need, demand,~~  
 931 ~~and impact shall be provided to the college's board of trustees~~  
 932 ~~to inform the program approval process. Employment at St.~~  
 933 ~~Petersburg College is governed by the same laws that govern~~  
 934 ~~Florida College System institutions, except that upper-division~~  
 935 ~~faculty are eligible for continuing contracts upon the~~  
 936 ~~completion of the fifth year of teaching. Employee records for~~  
 937 ~~all personnel shall be maintained as required by s. 1012.81.~~

938 (5) The approval process for baccalaureate degree programs  
 939 requires shall require:

940 (a) Each Florida Community College System institution to  
 941 submit a notice of its intent to propose a baccalaureate degree  
 942 program to the Division of Florida Community Colleges at least 1  
 943 year ~~100 days~~ before the submission of its proposal under  
 944 paragraph (c) ~~(d)~~. The notice must include a brief description of  
 945 the program, the workforce demand and unmet need for graduates  
 946 of the program to include evidence from entities independent of  
 947 the institution, the geographic region to be served, and an  
 948 estimated timeframe for implementation. Notices of intent may be  
 949 submitted by a Florida Community College System institution at  
 950 any time throughout the year. The notice must also include  
 951 evidence that the Florida Community College System institution  
 952 engaged in need, demand, and impact discussions with the state  
 953 university and other regionally accredited postsecondary  
 954 education providers in its service district.

955 (b) The Division of Florida Community Colleges to forward  
 956 the notice of intent submitted pursuant to paragraph (a) and the  
 957 justification for the proposed baccalaureate degree program

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958 submitted pursuant to paragraph (c) within 10 business days  
 959 after receiving such notice and justification to the Chancellor  
 960 of the State University System, the President of the Independent  
 961 Colleges and Universities of Florida, and the Executive Director  
 962 of the Commission for Independent Education. State universities  
 963 ~~shall~~ have 180 ~~60~~ days following receipt of the justification  
 964 ~~notice~~ by the Chancellor of the State University System to  
 965 submit an objection, including a reason for such objection,  
 966 ~~objections to the proposed new program or submit an alternative~~  
 967 ~~proposal to offer the baccalaureate degree program. The~~  
 968 chancellor shall review the objection raised by a state  
 969 university and inform the Board of Governors of such objection  
 970 before the university submits its objection to the State Board  
 971 of Education. The State Board of Education must consult with the  
 972 Chancellor of the State University System to consider the  
 973 objection raised by a state university in making its decision to  
 974 approve or deny a Florida Community College System institution's  
 975 proposal. If a proposal from a state university is not received  
 976 ~~within the 60-day period,~~ The State Board of Education shall  
 977 also provide regionally accredited private colleges and  
 978 universities 180 ~~30~~ days to submit objections to the proposed  
 979 new program ~~or submit an alternative proposal. Objections or~~  
 980 ~~alternative proposals shall be submitted to the Division of~~  
 981 Florida Community Colleges and must be considered by the State  
 982 Board of Education in making its decision to approve or deny a  
 983 Florida Community College System institution's proposal.

984 (c) ~~An alternative proposal submitted by a state university~~  
 985 ~~or private college or university to adequately address:~~

986 ~~1. The extent to which the workforce demand and unmet need~~

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987 ~~described in the notice of intent will be met.~~  
 988       2. ~~The extent to which students will be able to complete~~  
 989 ~~the degree in the geographic region proposed to be served by the~~  
 990 ~~Florida College System institution.~~  
 991       3. ~~The level of financial commitment of the college or~~  
 992 ~~university to the development, implementation, and maintenance~~  
 993 ~~of the specified degree program, including timelines.~~  
 994       4. ~~The extent to which faculty at both the Florida College~~  
 995 ~~System institution and the college or university will~~  
 996 ~~collaborate in the development and offering of the curriculum.~~  
 997       5. ~~The ability of the Florida College System institution~~  
 998 ~~and the college or university to develop and approve the~~  
 999 ~~curriculum for the specified degree program within 6 months~~  
 1000 ~~after an agreement between the Florida College System~~  
 1001 ~~institution and the college or university is signed.~~  
 1002       6. ~~The extent to which the student may incur additional~~  
 1003 ~~costs above what the student would expect to incur if the~~  
 1004 ~~program were offered by the Florida College System institution.~~  
 1005       ~~(d)~~ Each proposal submitted by a Florida Community College  
 1006 System institution to, at a minimum, include:  
 1007       1. A description of the planning process and timeline for  
 1008 implementation.  
 1009       2. A justification for the proposed baccalaureate degree  
 1010 program including, at a minimum, a data-driven ~~A~~ analysis of  
 1011 workforce demand and unmet need for graduates of the program on  
 1012 a district, regional, or statewide basis, as appropriate, and  
 1013 the extent to which the proposed program will meet the workforce  
 1014 demand and unmet need. The analysis must include workforce and  
 1015 employment data for the most recent 5 years and projections for

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1016 the next 3 years, and a summary of degree programs, similar to  
 1017 the proposed degree program, which are currently offered by  
 1018 state universities or by independent nonprofit colleges or  
 1019 universities that are eligible to participate in the William L.  
 1020 Boyd, IV, Florida Resident Access Grant Program, which are  
 1021 located in the Florida Community College System institution's  
 1022 regional service area. The analysis must be verified by more  
 1023 than one third-party professional entity that is including  
 1024 evidence from entities independent of the Florida Community  
 1025 College System institution. A Florida Community College System  
 1026 institution must submit the justification to the Division of  
 1027 Florida Community Colleges within 90 days after forwarding the  
 1028 institution's intent to propose a baccalaureate degree program.  
 1029 The division must forward the justification for the proposed  
 1030 baccalaureate degree program within 10 business days after  
 1031 receiving such justification to the Chancellor of the State  
 1032 University System, the President of the Independent Colleges and  
 1033 Universities of Florida, and the Executive Director of the  
 1034 Commission for Independent Education.  
 1035       3. Identification of the facilities, equipment, and library  
 1036 and academic resources that will be used to deliver the program.  
 1037       4. The program cost analysis of creating a new  
 1038 baccalaureate degree when compared to ~~alternative proposals and~~  
 1039 other program delivery options.  
 1040       5. The program's admission requirements, academic content,  
 1041 curriculum, faculty credentials, student-to-teacher ratios, and  
 1042 accreditation plan.  
 1043       6. The program's enrollment projections and funding  
 1044 requirements, including the institution's efforts to sustain the

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1045 program at the cost of tuition and fees for students who are  
 1046 classified as residents for tuition purposes under s. 1009.21,  
 1047 not to exceed \$10,000 for the entire degree program, including  
 1048 utilization of waivers pursuant to s. 1009.26(11).

1049 7. A plan of action if the program is terminated.

1050 (d)-(e) The Division of Florida Community Colleges to review  
 1051 the proposal, notify the Florida Community College System  
 1052 institution of any deficiencies in writing within 30 days  
 1053 following receipt of the proposal, and provide the Florida  
 1054 Community College System institution with an opportunity to  
 1055 correct the deficiencies. Within 45 days following receipt of a  
 1056 completed proposal by the Division of Florida Community  
 1057 Colleges, after consultation with the Chancellor of the State  
 1058 University System and the President of the Independent Colleges  
 1059 and Universities of Florida, the Commissioner of Education shall  
 1060 recommend approval or disapproval of the proposal to the State  
 1061 Board of Education. The State Board of Education shall consider  
 1062 such recommendation, the proposal, input from the chancellor and  
 1063 the president, and any objections or alternative proposals at  
 1064 its next meeting. If the State Board of Education disapproves  
 1065 the Florida Community College System institution's proposal, it  
 1066 shall provide the Florida Community College System institution  
 1067 with written reasons for that determination.

1068 (e)-(f) The Florida Community College System institution to  
 1069 obtain from the Commission on Colleges of the Southern  
 1070 Association of Colleges and Schools accreditation as a  
 1071 baccalaureate-degree-granting institution if approved by the  
 1072 State Board of Education to offer its first baccalaureate degree  
 1073 program.

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1074 (f)-(g) The Florida Community College System institution to  
 1075 notify the Commission on Colleges of the Southern Association of  
 1076 Colleges and Schools of subsequent degree programs that are  
 1077 approved by the State Board of Education and to comply with the  
 1078 association's required substantive change protocols for  
 1079 accreditation purposes.

1080 (g)-(h) The Florida Community College System institution to  
 1081 annually report to, ~~and upon request of~~ the State Board of  
 1082 Education, the Commissioner of Education, the Chancellor of the  
 1083 Florida Community College System, the Chancellor of the State  
 1084 University System, and ~~or~~ the Legislature, ~~report~~ its status  
 1085 using the following performance and compliance indicators:

- 1086 1. Obtaining and maintaining appropriate Southern
- 1087 Association of Colleges and Schools accreditation;
- 1088 2. Maintaining qualified faculty and institutional
- 1089 resources;
- 1090 3. Maintaining enrollment in previously approved programs;
- 1091 4. Managing fiscal resources appropriately;
- 1092 5. Complying with the primary mission and responsibility
- 1093 requirements in subsections (2) and (3); ~~and~~
- 1094 6. Other indicators of success, including program
- 1095 completions, employment and earnings outcomes, acceptance into  
 1096 and performance in graduate programs placements, and surveys of  
 1097 graduates and employers; and
- 1098 7. Continuing to meet workforce demand, as provided in  
 1099 subparagraph (c)2., as demonstrated through a data-driven needs  
 1100 assessment by the Florida Community College System institution,  
 1101 which is verified by a third-party professional entity that is  
 1102 independent of the institution.

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1103  
 1104 The State Board of Education, upon annual review of the  
 1105 baccalaureate degree program performance and compliance  
 1106 indicators and needs assessment, may require a Florida Community  
 1107 College System institution's board of trustees to modify or  
 1108 terminate a baccalaureate degree program authorized under this  
 1109 section. However, if the annual review indicates negative  
 1110 program performance and compliance results and the needs  
 1111 assessment fails to demonstrate a need for the program, the  
 1112 State Board of Education shall require a Florida Community  
 1113 College System institution's board of trustees to terminate that  
 1114 baccalaureate degree program.

1115 (6) The total upper level, undergraduate full-time  
 1116 equivalent enrollment at a Florida Community College System  
 1117 institution may not exceed 5 percent of the combined total lower  
 1118 level and upper level full-time equivalent enrollment at that  
 1119 institution.

1120 Section 18. Section 1008.38, Florida Statutes, is amended  
 1121 to read:

1122 1008.38 Articulation accountability process.—The State  
 1123 Board of Education, in conjunction with the Board of Governors,  
 1124 shall develop articulation accountability measures which assess  
 1125 the status of systemwide articulation processes authorized under  
 1126 s. 1007.23, preserve Florida's "2+2" system of articulation, and  
 1127 establish an articulation accountability process which at a  
 1128 minimum shall address:

1129 (1) The impact of articulation processes on ensuring  
 1130 educational continuity and the orderly and unobstructed  
 1131 transition of students between public secondary and

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1132 postsecondary education systems and facilitating the transition  
 1133 of students between the public and private sectors.

1134 (2) The adequacy of preparation of public secondary  
 1135 students to smoothly articulate to a public postsecondary  
 1136 institution.

1137 (3) The effectiveness of articulated acceleration  
 1138 mechanisms available to secondary students and the application  
 1139 of credit hours earned through CAPE industry certifications  
 1140 pursuant to s. 1008.44 and acceleration mechanisms, including  
 1141 nationally standardized examinations, to general education,  
 1142 associate degree, or baccalaureate degree requirements.

1143 (4) The smooth transfer of Florida Community College System  
 1144 associate degree graduates to a Florida Community College System  
 1145 institution or a state university, and the application of credit  
 1146 hours earned at Florida Community College System institutions to  
 1147 general education, associate degree, or baccalaureate degree  
 1148 requirements at state universities.

1149 (5) An examination of degree requirements that exceed the  
 1150 parameters of 60 credit hours for an associate degree and 120  
 1151 hours for a baccalaureate degree in public postsecondary  
 1152 programs.

1153 (6) The relationship between student attainment of college-  
 1154 level academic skills and articulation to the upper division in  
 1155 public postsecondary institutions.

1156 Section 19. The State Board of Education, in collaboration  
 1157 with the Board of Governors, shall evaluate and report on the  
 1158 status of Florida's "2+2" system of articulation using the  
 1159 accountability measures required pursuant to this section and  
 1160 any other state law. By November 1, 2016, the state board and

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1161 the Board of Governors shall submit their report to the  
1162 Governor, the President of the Senate, and the Speaker of the  
1163 House of Representatives. The report must include findings  
1164 regarding the status of Florida's "2+2" system of articulation  
1165 and recommendations for improvement.

1166 Section 20. The Division of Law Revision and Information is  
1167 directed to prepare a reviser's bill for the 2016 Regular  
1168 Session to conform the Florida Statutes to the changes in  
1169 terminology made by this act. The reviser's bill must substitute  
1170 the term "Division of Florida Community Colleges" for "Division  
1171 of Florida Colleges"; "Florida Community College System" for  
1172 "Florida College System"; and "Florida Community College System  
1173 institution" for "Florida College System institution" where  
1174 those terms appear in the Florida Statutes and reflect the  
1175 renaming of Florida community colleges in relevant sections of  
1176 law.

1177 Section 21. This act shall take effect July 1, 2015.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

April 9, 2015  
Meeting Date

1252  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name CAROL PROBSTFELD

Job Title PRESIDENT, STATE COLLEGE OF FLORIDA, MANATEE - SACASOTA

Address 5840 26TH ST W Phone 941-752-5392

Street

BRADENTON

City

FL

State

34207

Zip

Email probstc@scf.edu

Speaking:  For  Against  Information

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

Representing FLORIDA COLLEGE SYSTEM COUNCIL OF PRESIDENTS

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

April 18, 2015  
Meeting Date

SB 1050  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Sharon Hillstrom

Job Title President & CEO Bradenton Area EDC

Address 4315 Concept Court

Phone 941-803-9031

Bradenton FL 34211  
City State Zip

Email Sharon.H@thinkbradentonarea.com

Speaking:  For  Against  Information

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

Representing Bradenton Area EDC

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

---

BILL: SB 942

INTRODUCER: Senator Gaetz

SUBJECT: Rapid Response Education and Training Program

DATE: April 7, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>HE</u>	<b>Favorable</b>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<b>Favorable</b>
3.	_____	_____	<u>AP</u>	_____

---

**I. Summary:**

SB 942 establishes the Rapid Response Education and Training Program within the Complete Florida Plus Program at the University of West Florida to recruit and retain employees through industry-specific education and training. Also, the bill requires that the Complete Florida Plus Program work directly with Enterprise Florida, Inc., in project-specific industry recruitment and retention efforts to offer credible education and training commitments to businesses.

Specifically, the bill requires that the Rapid Response Education and Training Program:

- Award matching grants to public and private education and training providers.
- Submit to the Legislature periodic reports generated by an independent forensic accounting or auditing entity.
- Keep administrative costs to a minimum through the use of existing organizational structures.
- Work with businesses to recruit individuals for education and training.
- Terminate an education and training program by giving 30-days' notice.
- Survey businesses regarding the effectiveness of the education and training programs.

Additionally, the bill requires that the Division of Career and Adult Education within the Department of Education analyze and assess the effectiveness of the education and training programs offered through the Rapid Response Education and Training Program in meeting labor market and occupational trends and gaps.

The Senate's Fiscal Year 2015-2016 proposed General Appropriations Bill, SB 2500, appropriates \$19.2 million for the Rapid Response Education and Training Program.

The bill provides for an effective date of July 1, 2015.

## II. Present Situation:

The Legislature has established mechanisms to facilitate coordination between public and private postsecondary education institutions and employment agencies to assist students in completing degree programs to meet the state's workforce needs.

### **Complete Florida Plus Program**

In 2012, the Legislature created the Complete Florida Plus Program<sup>1</sup> at the University of West Florida (UWF) for the purpose of:<sup>2</sup>

- Facilitating degree completion for the state's adult learners through the Complete Florida Degree Initiative.
- Providing information relating to and access to distance learning courses and degree programs offered by public postsecondary education institutions.
- Coordinating with the Florida College System (FCS) and the State University System (SUS) to identify and provide online academic support services and resources when the multi-institutional provision of such services and resources is more cost effective or operationally effective.
- Administering the Florida Academic Library Services Cooperative<sup>3</sup> (Cooperative) and consulting with the chancellors of the FCS and the SUS regarding the Cooperative.

The UWF must submit annual reports to the President of the Senate and the Speaker of the House of Representatives relating to the implementation and operation of the components of the Complete Florida Plus Program and the Cooperative.<sup>4</sup>

### ***Complete Florida Degree Initiative***

In 2014, the Legislature established the Complete Florida Degree Initiative (Initiative) within the Complete Florida Plus Program for the purpose of recruiting, recovering, and retaining the state's adult learners<sup>5</sup> and assisting them in completing an associate degree or a baccalaureate degree aligned to the state's high-wage, high-skill workforce needs.<sup>6</sup> The Initiative coordinates with FCS institutions, state universities, and private postsecondary institutions and partners with public and private job recruitment and placement agencies to identify associate, applied baccalaureate, and baccalaureate degree programs that meet the state's workforce needs.<sup>7</sup>

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<sup>1</sup> The program was formerly established as the Degree Completion Pilot Project pursuant to s. 15, ch. 2012-34, L.O.F.

<sup>2</sup> Section 1006.735(1), F.S.

<sup>3</sup> Section 1006.73, F.S. The cooperative provides a single library automation system and associated resources and services for public postsecondary institutions to use to support learning, teaching, and research needs. *Id.* at (1).

<sup>4</sup> Sections 1006.73(4) and 1006.735(5), F.S.

<sup>5</sup> Section 1006.735(2), F.S. Adult learners who are veterans or active duty members of the United States Armed Forces are given priority. *Id.* An "adult learner" is defined as "a student who has successfully completed college-level coursework in multiple semesters but has left an institution in good standing before completing his or her degree." *Id.*

<sup>6</sup> Section 1006.735(2), F.S.; *see also*, s. 16, ch. 2014-56, L.O.F.

<sup>7</sup> Section 1006.735(2)(a), F.S.

Specifically, the Initiative must:<sup>8</sup>

- Give priority to degree programs using labor market data and projections, including data and projections included in the Board of Governor's gap analysis,<sup>9</sup> to identify the specific workforce needs and targeted occupations of the state.
- Provide adult learners with a single point of access to information and links to innovative online and accelerated distance learning courses, student and library support services, and electronic resources that will aid them in completing a postsecondary degree.
- Use existing or develop new competency-based instructional and evaluation tools to assess prior performance, experience, and education to award college credit and reduce the time required for adults to complete degrees.
- Develop and implement an evaluation process to collect and analyze appropriate data to report the effectiveness of the Initiative to the chancellors of the FCS and the SUS, the participating postsecondary education institutions, the chairs of the legislative appropriations committees, and the Executive Office of the Governor.
- Develop and implement a statewide student recruitment campaign targeted toward adult learners, particularly veterans and active duty members of the United States Armed Forces, for enrollment in degree programs offered through the Initiative.

### **Access to Resources & Support**

#### ***Statewide Internet-Based Catalog of Distance Learning Courses***

The Complete Florida Plus Program manages a statewide internet-based catalog of distance learning courses, degree programs, and resources offered by public postsecondary education institutions to assist in developing a statewide articulation system that allows students to rapidly proceed toward their educational objectives and transfer between institutions.<sup>10</sup> Participating institutions must provide specific information regarding the distance learning courses and degree programs (*e.g.*, course numbers, availability, and costs).<sup>11</sup>

The Complete Florida Plus Program must establish operational procedures for the catalog and must review and frequently ensure that distance learning courses and degree programs comply with the operational procedures. The operational procedures must include:<sup>12</sup>

- Courses and degree programs that meet applicable accreditation standards and criteria.
- User-friendly search and retrieval options for finding courses in a variety of ways.
- An internet-based analytic tool that analyzes and collects data relating to catalog use and requests.

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<sup>8</sup> Section 1006.735(2), F.S.

<sup>9</sup> Section 1001.706(5), F.S.

<sup>10</sup> Section 1006.735(3), F.S.; *see also*, s. 1007.01, F.S.

<sup>11</sup> Section 1006.735(3), F.S.

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

### *Statewide Online Student Advising Services & Support*

The Complete Florida Plus Program must make available statewide online services and support in coordination with FCS institutions and state universities which include:<sup>13</sup>

- A streamlined online admissions application process for undergraduate transient students who enroll in courses offered by public postsecondary education institutions that are not the students' degree-granting institution.
- A K-20 statewide computer-assisted student advising system that supports K-12 career and education planning and the advisement, registration, and certification of postsecondary students for graduation, including a degree audit and an articulation component.

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

The bill establishes the Rapid Response Education and Training Program within the Complete Florida Plus Program at the University of West Florida to recruit and retain employees through industry-specific education and training. Also, the bill requires that the Complete Florida Plus Program work directly with Enterprise Florida, Inc., in project-specific industry recruitment and retention efforts to offer credible education and training commitments to businesses.

The Complete Florida Plus Program and Complete Florida Degree Initiative currently assist in recruiting, recovering, and retaining individuals to meet the state's high-wage, high-skill workforce needs. The bill expands the Complete Florida Plus Program and further serves its purpose to include targeted education and training programs for industries and businesses in the state.

Specifically, the bill requires that the Rapid Response Education and Training Program:

- Award matching grants to public and private education and training providers.
- Submit to the Legislature periodic reports generated by an independent forensic accounting or auditing entity.
- Keep administrative costs to a minimum through the use of existing organizational structures.
- Work with businesses to recruit individuals for education and training.
- Terminate an education and training program by giving 30-days' notice.
- Survey businesses regarding the effectiveness of the education and training programs.

Additionally, the bill requires that the Division of Career and Adult Education within the Department of Education analyze and assess the effectiveness of the education and training programs offered through the Rapid Response Education and Training Program in meeting labor market and occupational trends and gaps.

The award of matching grants to public and private education and training providers and partnerships with businesses may assist individuals in retaining and securing employment.

The bill provides for an effective date of July 1, 2015.

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<sup>13</sup> *Id.* at (4).

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The Senate's Fiscal Year 2015-2016 proposed General Appropriations Bill, SB 2500, appropriates \$19.2 million for the Rapid Response Education and Training Program under SB 942.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill substantially amends section 1006.735 of the Florida Statutes.

**IX. Additional Information:**

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

None.

- B. **Amendments:**

None.

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

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By Senator Gaetz

1-00787A-15

2015942\_\_

A bill to be entitled

An act relating to a Rapid Response Education and Training Program; amending s. 1006.735, F.S.; establishing the Rapid Response Education and Training Program within the Complete Florida Plus Program; requiring the Complete Florida Plus Program to work with Enterprise Florida, Inc., to offer certain education and training commitments to businesses; specifying the duties of the program; requiring reports to the Legislature; requiring the Division of Career and Adult Education within the Department of Education to conduct an analysis and assessment of the effectiveness of the education and training programs; providing an effective date.

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

Section 1. Present subsections (5) and (6) of section 1006.735, Florida Statutes, are redesignated as subsections (6) and (7), respectively, and a new subsection (5) is added to that section, to read:

1006.735 Complete Florida Plus Program.—The Complete Florida Plus Program is created at the University of West Florida.

(5) RAPID RESPONSE EDUCATION AND TRAINING PROGRAM.—The Rapid Response Education and Training Program is established within the Complete Florida Plus Program. Under this education and training program, the Complete Florida Plus Program shall work directly with Enterprise Florida, Inc., in project-specific

Page 1 of 2

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

1-00787A-15

2015942\_\_

industry recruitment and retention efforts to offer credible education and training commitments to businesses.

(a) The Rapid Response Education and Training Program must:  
1. Issue challenge grants through requests for proposals that are open to all education and training providers, public or private. These grants match state dollars with education and training provider dollars to implement particular education and training programs.

2. Generate periodic reports from an independent forensic accounting or auditing entity to ensure transparency of the program. These periodic reports must be submitted to the President of the Senate and the Speaker of the House of Representatives.

3. Keep administrative costs to a minimum through the use of existing organizational structures.

4. Work directly with businesses to recruit individuals for education and training.

5. Be able to terminate an education and training program by giving 30 days' notice.

6. Survey employers after completion of an education and training program to ascertain the effectiveness of the program.

(b) The Division of Career and Adult Education within the Department of Education shall conduct an analysis and assessment of the effectiveness of the education and training programs under this section in meeting labor market and occupational trends and gaps.

Section 2. This act shall take effect July 1, 2015.

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)

4/8/15

Meeting Date

942

Bill Number (if applicable)

Topic Rapid Response Education + Training

Amendment Barcode (if applicable)

Name Jim Horne

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

Address \_\_\_\_\_

Phone 904-759-415

Street

Email JHorne@strategiesgroup.com

City

State

Zip

Speaking:  For  Against  Information

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

Representing AIF

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard 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**  
**SPECIAL MASTER ON CLAIM BILLS**

*Location*  
302 Capitol

*Mailing Address*  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5237

DATE	COMM	ACTION
12/29/14	SM	Favorable
3/3/15	JU	Favorable
4/8/15	AED	Favorable
	AP	

April 7, 2015

The Honorable Andy Gardiner  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, Florida 32399-1100

Re: **SB 72** – Senator Flores  
Relief of Altavious Carter

**SPECIAL MASTER'S FINAL REPORT**

THIS IS A CONTESTED CLAIM FOR \$944,034.30 BASED ON A JURY AWARD FOR ALTAVIOUS CARTER (CLAIMANT) AGAINST THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA, TO COMPENSATE CLAIMANT FOR DAMAGES HE SUSTAINED WHEN A SCHOOL BUS CRASHED INTO THE REAR END OF A VAN IN WHICH HE WAS A PASSENGER.

CURRENT STATUS:

On February 3, 2011, an administrative law judge from the Division of Administrative Hearings, serving as a Senate special master, held a de novo hearing on a previous version of this bill, SB 26 (2012). After the hearing, the judge issued a report containing findings of fact and conclusions of law and recommended that the bill be reported favorably with an amendment. That report is attached as an addendum to this report.

Due to the passage of time since the hearing, the Senate President reassigned the claim to me, Jason Hand. My responsibilities were to review the records relating to the claim bill, be available for questions from the members, and determine whether any changes have occurred since the hearing, which if known at the hearing, might have

SPECIAL MASTER'S FINAL REPORT – SB 72

April 7, 2015

Page 2

significantly altered the findings or recommendation in the previous report.

According to counsel for the parties, no changes have occurred since the hearing which might have altered the findings and recommendations in the report.

Additionally, the prior claim bill, SB 26 (2012), is effectively identical to claim bill filed for the 2015 Legislative Session.

Respectfully submitted,

Jason Hand  
Senate Special Master

cc: Debbie Brown, Secretary of the Senate



**THE FLORIDA SENATE**  
**SPECIAL MASTER ON CLAIM BILLS**

*Location*  
402 Senate Office Building

*Mailing Address*  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5237

DATE	COMM	ACTION
12/02/11	SM	Fav/1 amendment

December 2, 2011

The Honorable Mike Haridopolos  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, Florida 32399-1100

Re: **SB 26 (2012)** – Senator Ellyn Setnor Bogdanoff  
Relief of Altavious Carter

**SPECIAL MASTER'S FINAL REPORT**

THIS IS A CONTESTED CLAIM FOR \$944,034.30 BASED ON A JURY AWARD FOR ALTAVIOUS CARTER (CLAIMANT) AGAINST THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA, TO COMPENSATE CLAIMANT FOR DAMAGES HE SUSTAINED WHEN A SCHOOL BUS CRASHED INTO THE REAR END OF A VAN IN WHICH HE WAS A PASSENGER.

FINDINGS OF FACT:

Following a four-day trial in the Palm Beach County Circuit Court a jury found that Claimant had sustained a permanent injury in an accident that occurred December 15, 2005, and awarded him the following damages with the amount of the award in parentheses: past medical expenses (\$96,475.64); future medical expenses (\$175,892.00); past pain and suffering (\$478,333.33); and future pain and suffering (\$343,333.33). The award of damages totaled \$1,094,034.30. The verdict was dated February 12, 2010.

On February 25, 2010, Judge Thomas H. Barkdull entered final judgment for Claimant as follows: "Pursuant to the Jury Verdict rendered in this action, IT IS ADJUDGED: That [Claimant] recover from [the School Board] the sum of [\$1,094,034.30] that shall bear interest annually at the

statutory rate and for which let execution issue for the first One Hundred Thousand Dollars (\$100,000.00) of this judgment and that portion of the judgment that exceeds [\$100,000] may be reported to the legislature, but may not be paid in part or in whole except by further act of the legislature further [sic] to 768.28."

The court retained jurisdiction to determine taxable costs as well as to determine set offs, if any. On August 4, 2010, Judge Barkdull entered a "Final Cost Judgment" in the amount of \$50,394.52 with interest at the statutory rate with the following provision: "but for which execution shall not issue, but this judgment may be reported to the legislature, but may not be paid in part or in whole except by further act of the legislature pursuant to 768.28."

On April 14, 2010, the School Board paid to Claimant the sum of \$100,000.00 in partial satisfaction of the Final Judgment.

At the trial and in this claims proceeding, the School Board stipulated that it is liable for Claimant's damages.

In this claims proceeding, the School Board does not contest the award for Claimant's past medical expenses or the award for Claimant's past pain and suffering. The School Board asserts that the awards for future medical expenses and future pain and suffering are excessive.

Claimant, a male, born September 7, 1991, is a basketball player who currently plays for Santa Fe College. On December 15, 2005, Claimant was being transported from basketball practice to his home in a van being driven by Vincent Merriweather, a volunteer coach for Claimant's team. Mr. Merriweather served as a mentor to Claimant.

On that date Mr. Merriweather's van was stopped at a red light in a westbound lane at the intersection of Forest Hills Boulevard and Olympia Boulevard in Palm Beach County when a school bus owned and operated by the Palm Beach County School District rear-ended the van. It was estimated that the bus was traveling in excess of 45 MPH when it hit the van, and there was no credible evidence that the driver applied his brakes at any point before the accident.

The negligence of the school bus driver was the cause of the accident and was the proximate cause of the damages suffered by Claimant.

Mr. Merriweather was also injured in the accident and suffered damages in excess of \$100,000.00. Mr. Merriweather was granted compensation for his excess damages by Chapter 2009-247, Laws of Florida.

Claimant was wearing a seat belt at the time of the crash. Claimant's seat failed as a result to the force of the impact, and he was thrown into the back of the van and briefly lost consciousness. When he regained consciousness, he began yelling for Mr. Merriweather, who was unable to respond. Claimant was able to exit the van, but he immediately experienced pain in his neck. An unidentified person assisted Claimant by helping him to lie down on the pavement. A person identified as a school nurse told Claimant to be still until emergency services arrived and advised him to stay still.

Emergency responders arrived on the scene in a timely fashion, stabilized Claimant's head and neck, and transported him to Wellington Regional Hospital.

Diagnostic testing at Wellington Regional Hospital reflected that Claimant had suffered a cervical fracture in the region of the neck referred to as C6-C7. The cervical area of the neck, consisting of seven vertebrae, is immediately above the thoracic region. The designation C6-7 (or C6-C7) indicates the area where the sixth cervical vertebrae and the seventh cervical vertebrae are located. Between the two vertebrae is a disc, which serves several purposes, including acting as a shock absorber between the two vertebrae. The spinal cord runs through the vertebrae of the cervical and thoracic regions.

Due to the severity of the injury, which included a risk of paralysis, Wellington Regional Hospital transferred Claimant to the trauma center at St. Mary's Hospital.

At St. Mary's, Claimant was placed in cervical traction consisting of immobilizing hardware being screwed into his skull and being strapped to a bed where he was unable to move.

Dr. Bret Baynham, a certified pediatric orthopedic surgeon, performed the following procedures on Claimant: Open Reduction C6-7 Fracture-Dislocation; Anterior Cervical Discectomy C6-7; Anterior Cervical Decompression, C6-7; Anterior Cervical Interbody Fusion Device C6-7; and Anterior Cervical Fusion C6-7.

In layman's terms, Dr. Baynham fused Claimant's C6-C7 vertebrae. He removed the disc between C6-C7. In the area from which the disc had been removed, he inserted a hollowed metallic dowel, referred to as a cage, filled with particles of bones that were designed to allow the two vertebrae to eventually grow together. He then affixed a metal plate to stabilize C6-C7 using special bone screws. The metal plate is intended to be permanent.

Dr. Baynham provided Claimant excellent care.

Post-surgery, Claimant underwent a grueling rehabilitation. Claimant worked hard during rehabilitation and cooperated fully with his therapists and other treatment providers.

Dr. Baynham continued to follow Claimant's recovery post-surgery. On July 27, 2006, Dr. Baynham found Claimant to be pain free and gradually returning to normal activities. Dr. Baynham's office notes reflect the following recommendation: "At this point we are going to allow [Claimant] to return to full activity. Based on his clinical and radiographic findings he is found to have a stable healed injury without any evidence of any residual instability or neurologic compromise. If he should have any problems as we move forward he is to refrain from activity and contact us immediately. This would include pain recurrence or any signs or symptoms associated with spinal cord or nerve root irritation. Otherwise if he remains well we would like to have him follow up in six months for re-evaluation including radiographs if indicated."

After July 27, 2006, Claimant resumed playing basketball and became a star high school player and a full-scholarship player at Santa Fe College in Gainesville. Claimant has been cleared to play basketball without any medical restrictions attributable to the injuries he received in the 2005 accident.

At present, Claimant experiences periodic neck pain.

Adjacent disc disease (also referred to in the record as "adjacent segment disease") can be a consequence of fusing two vertebrae. When two discs are fused, greater mechanical loading or stress is placed on the vertebrae above or below the fused discs, which may or may not cause disc degeneration and require further intervention. While adjacent disc disease may be discernable by a MRI relatively soon after the fusion, symptoms from the disease typically come later in life, but may not come at all.

Claimant was seen by Dr. Baynham on follow-up on November 27, 2007. His impression was that Claimant was stable with no residual neurologic impairment, no pain in the neck, and no functional loss of motion. His recommendation was that "Based on the clinical and radiographic findings [Claimant] is found to have a stable healed injury without evidence of any residual instability or neurologic compromise. No further treatment is indicated at this time. No restrictions to athletic participation. Follow up prn."

Claimant experienced neck and back pain in 2009 and returned to Dr. Baynham in January and June of that year. In June 2009, Dr. Baynham ordered an MRI for Claimant. Dr. Baynham observed changes in C7-T1 (T1 is the first thoracic vertebrae). Dr. Baynham testified that the changes could be the delayed manifestation of injuries from the initial injury. He also testified that the changes could be the result of adjacent segment disease phenomenon. Dr. Baynham testified that the changes "are certainly consistent with not only the zone of initial injury, but also some additional changes that are probably the result of this adjacent segment disease phenomenon, as best we know."

Dr. Baynham further testified that "based on his young age and his life expectancy and based on the current state of understanding of this phenomenon of the adjacent level disc disease, I think it is probable, most probable that he will continue to experience changes there. And it will, in time, probably rise to the level of becoming clinically significant, meaning a source of pain and potentially a source requiring additional treatment."

Dr. Craig H. Lichtblau is a physiatrist who specializes in physical medicine, rehabilitation, and evaluation. Dr. Lichtblau was retained by Claimant to conduct a Comprehensive Rehabilitation Evaluation of Claimant, give an impairment rating of Claimant, and provide a Continuation of Care plan for Claimant

Dr. Lichtblau assigned Claimant a 4 percent permanent partial impairment of the whole person.

Dr. Lichtblau's Continuation of Care plan included the services that Dr. Lichtblau believed Claimant would or may need in the future. Dr. Lichtblau's plan included future epidural steroid injections and surgical intervention. Dr. Baynham testified that including epidural steroid injections is reasonable. Dr. Baynham also testified that Claimant is at an increased risk of future surgical intervention.

Bernard E. Pettingill, Jr., Ph.D. is a consulting economist who, on February 12, 2009, prepared an analysis entitled "The Present Value Analysis of the Future Medical Care Costs of [Claimant]". At the time of the analysis, Claimant's life expectancy was projected to be 53.6 years beyond the date of the report.

Claimant represented in his "Summary of Case" that the parties stipulated that Claimant's past medical expenses for purposes of trial were \$96,475.64.

Dr. Pettingill used Dr. Lichtblau's Continuation of Care plan to compute the present value of Claimant's "Total Economic Loss, Period II, Future Loss, After Trial Date". Claimant presented evidence to the jury that the correct total economic loss for the post-trial period, as computed by Dr. Pettingill, was \$363,487.00.

Claimant was examined by Dr. Jordan Grabel, a neurological surgeon, on July 17, 2008, at the request of the School Board. Dr. Grabel reviewed Claimant's medical records and took histories from Claimant and Claimant's mother. Dr. Grabel found that Claimant's surgery had healed and that there were no other abnormalities that could be associated with the accident. Dr. Grabel opined that there was a 50-50

chance that the onset of adjacent segment disease will be discernable by X-ray in future years. He further opined that there is no way to determine whether Claimant will become symptomatic or need future surgical treatment. Dr. Grabel was of the opinion that the Continuation of Care plan prepared by Dr. Lichtblau included non-invasive follow-up treatment that was unnecessary.

The School Board did not have a consulting economist estimate the present value of Claimant's future economic loss based on the services Dr. Grabel believed Claimant would need.

Dr. Mark Rubenstein conducted a compulsory medical examination of Claimant on August 11, 2008. Dr. Rubenstein's evaluation included a physical examination and a review of Claimant's medical records. Dr. Rubenstein's report reflects his opinion that Claimant's future medical care will be limited to physician visits on an as-needed basis and that Claimant will require future MRI studies and X-rays. Although he acknowledged the possibility of adjacent disc disease, he did not believe that intervention was medically probable. Dr. Rubenstein's report reflects the opinion that Claimant's future pain management will be limited to the use of anti-inflammatory medications.

In its position statement, the School Board represents that Dr. Rubenstein is a physiatrist retained by the School Board and that he believed that Claimant's future care not including surgery for adjacent segment disease would be approximately \$25,000.00. The undersigned did not find that figure in Dr. Rubenstein's report.

CLAIMANT'S POSITION:

1. The negligence of the school bus driver was the sole and proximate cause of the injuries and damages sustained by Claimant.
2. Claimant's future damages are not speculative, and the jury's verdict is supported by the evidence.

SCHOOL BOARD'S POSITION:

1. School Board stipulated that it is liable for Claimant's damages.
2. School Board does not dispute the jury award for past medical expenses or for past pain and suffering.

3. School Board asserts that Claimant has healed and has become a star basketball player.

4. School Board contends that awards for future medical expenses and future pain and suffering are excessive and speculative.

5. School Board argues that \$25,000.00 would suffice for future medical expenses and that \$50,000.00 would suffice for future pain and suffering.

6. School Board is self-insured and is experiencing a bleak fiscal year with expected shortfalls of over \$54,000,000.00.

CONCLUSIONS OF LAW:

The bus driver had a duty to exercise reasonable care in the operation of the bus. See generally s. 316.183(1), Fla. Stat. He breached this duty by crashing into the back of Mr. Merriweather's stopped van. See Eppler v. Tarmac America, Inc., 752 So. 2d 592 (Fla. 2000) (rear driver is presumed to be negligent in rear-end collision case absent evidence of a sudden and unexpected stop by the front driver).

The school bus driver was an employee of the School Board acting within the course and scope of his employment at the time of the accident. As a result, the driver's negligence is attributable to the School Board.

Consistent with the School Board's stipulation as to its liability, it is concluded that the bus driver's negligence was the sole and proximate cause of the injuries and damages sustained by Claimant, and that the driver's negligence is attributable to the School Board.

The jury based its verdict on competent, substantial evidence.

LEGISLATIVE HISTORY:

This is the second year that this claim has been presented to the Legislature.

ATTORNEYS FEES:

Claimant's attorney filed an affidavit stating that attorney's fees will be capped at 25 percent in accordance with s. 768.28(8), Florida Statutes. Lobbyist fees are incorporated into the attorney's fees cap.

The Legislature is free to limit those amounts as it sees fit. See Gamble v. Wells, 450 So. 2d 850 (Fla. 1984); Noel v. Schlesinger, 984 So. 2d 1265 (Fla. 4th DCA 2008). The bill provides that the total amount paid for attorney's fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the total amount awarded under this act.

FISCAL IMPACT:

The School Board is self-insured and has no liability insurance applicable to this claim. The School Board expects to face a substantial budgetary shortfall and the passage of this claim bill will add to its budgetary difficulties.

OTHER ISSUES:

The bill, as filed, does not include the sum of \$50,394.52, which is the amount of the "Final Cost Judgment" entered by Judge Barkdull on August 4, 2010. The bill should be amended to add costs in the sum of \$50,394.52, so that the total amount of the award will be increased from the sum of \$994,034.30 to the sum of \$1,044,428.82.

RECOMMENDATIONS:

Based upon the foregoing, I recommend that Senate Bill 26 be reported FAVORABLY, as amended.

Respectfully submitted,



Claude B. Arrington  
Senate Special Master

cc: Senator Ellyn Setnor Bogdanoff  
Debbie Brown, Interim Secretary of the Senate  
Counsel of Record

THE FLORIDA SENATE  
**APPEARANCE RECORD**

①

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

4/8/15

Meeting Date

#72

Bill Number (if applicable)

Topic CLAIMS BILL - A. CARTER

Amendment Barcode (if applicable)

Name Scott Krevans

Job Title ATTORNEY

Address 3440 HOLLYWOOD BLVD

Phone 954 961 1400

Street

HOLLYWOOD FL 33021

Email SKrevans@LOWERY JIMBERG LLP

City

State

Zip

Speaking:  For  Against  Information

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

Representing PALM BEACH COUNTY SCHOOL BO

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

2

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

4-8-15

Meeting Date

SB 72

Bill Number (if applicable)

Topic Claims Bill - Carter

Amendment Barcode (if applicable)

Name Jimmy Gustafson

Job Title Attorney

Address 1567 Cristobal Drive

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Tallahassee

FL

32303

Email jwg@searcylaw.com

City

State

Zip

Speaking:  For  Against  Information

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

Representing Mr. Carter

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)



## THE FLORIDA SENATE

### SPECIAL MASTER ON CLAIM BILLS

**Location**  
402 Senate Office Building

**Mailing Address**  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5237

DATE	COMM	ACTION
12/29/14	SM	Favorable
2/3/15	JU	Fav/CS
4/8/15	AED	Favorable
	AP	

April 7, 2015

The Honorable Andy Gardiner  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, Florida 32399-1100

Re: **SB 68** – Senator Legg  
Relief of Carl Abbott

### SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNOPPOSED EQUITABLE CLAIM FOR \$1.9 MILLION, IN LOCAL FUNDS, AGAINST THE PALM BEACH COUNTY SCHOOL BOARD FOR THE NEGLIGENCE OF A BUS DRIVER WHO STRUCK AND SERIOUSLY INJURED CARL ABBOTT AS HE WAS ATTEMPTING TO WALK ACROSS A ROADWAY WITHIN A MARKED PEDESTRIAN CROSSWALK.

#### CURRENT STATUS:

On December 15, 2010, an administrative law judge from the Division of Administrative Hearings, serving as a Senate special master, held a de novo hearing on a previous version of this bill, SB 54 (2012). After the hearing, the judge issued a report containing findings of fact and conclusions of law and recommended that the bill be reported favorably. That report is attached as an addendum to this report.

Due to the passage of time since the hearing, the Senate President reassigned the claim to me, Jason Hand. My responsibilities were to review the records relating to the claim bill, be available for questions from the members, and determine whether any changes have occurred since the hearing, which if known at the hearing, might have significantly altered the findings or recommendation in the previous report.

According to counsel for the parties, Carl Abbott passed away in June, 2014. The bill may need to be amended to reflect Mr. Abbott's death. The bill anticipates Carl Abbott's death, and provides that David Abbott, as guardian of Carl Abbott, is guaranteed a minimum payment of \$633,333.33 (via three annual payments of \$211,111.11) if Carl Abbott dies "within 3 years after the effective date of the act." In light of Carl Abbott's death before the effective date, the bill may need to be amended to clarify David Abbott's ability to receive the referenced payments. No other changes have occurred since the hearing which might have altered the findings and recommendations in the report.

Additionally, the prior claim bill, SB 54 (2012), is effectively identical to claim bill filed for the 2015 Legislative Session.

Respectfully submitted,

Jason Hand  
Senate Special Master

cc: Debbie Brown, Secretary of the Senate

**CS by Judiciary**

The bill was drafted under the assumption that the claimant, Carl Abbott, would be alive at the time of passage, but potentially die before all required annual payments are made. The committee substitute recognizes that the claimant recently died, and provides for the payments in the bill to be made consistently with the payment structure in the underlying bill for payments after the claimant's death. Accordingly, Palm Beach County School Board will be required to pay \$633,333.33 instead of \$1.9 million had Carl Abbot lived until he received the last annual payment in the year 2022.



## THE FLORIDA SENATE

### SPECIAL MASTER ON CLAIM BILLS

*Location*

402 Senate Office Building

*Mailing Address*

404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5237

DATE	COMM	ACTION
12/2/11	SM	Favorable

December 2, 2011

The Honorable Mike Haridopolos  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, Florida 32399-1100

Re: **SB 54 (2012)** – Senator Joe Negron  
Relief of Carl Abbott

### SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNOPPOSED EQUITABLE CLAIM FOR \$1.9 MILLION, IN LOCAL FUNDS, AGAINST THE PALM BEACH COUNTY SCHOOL BOARD FOR THE NEGLIGENCE OF A BUS DRIVER WHO STRUCK AND SERIOUSLY INJURED CARL ABBOTT AS HE WAS ATTEMPTING TO WALK ACROSS A ROADWAY WITHIN A MARKED PEDESTRIAN CROSSWALK.

#### FINDINGS OF FACT:

On June 30, 2008, at about 2:00 p.m., Carl Abbott, then 68 years old, started to walk across U.S. Highway 1 at the intersection with South Anchorage Drive in North Palm Beach, Florida. Mr. Abbott was heading west from the northeast quadrant of the intersection, toward the intersection's northwest quadrant. To get to the other side of U. S. Highway 1, which runs north and south, Mr. Abbott needed to cross the highway's three northbound lanes, a median, the southbound left turn lane, and the three southbound travel lanes. Mr. Abbott remained within the marked pedestrian crosswalk. (See diagram below.)

At the time Mr. Abbott began to cross U. S. Highway 1, a school bus was idling in the eastbound left-turn lane on South Anchorage Drive, waiting for the green light. The bus driver, Generia Bedford, intended to turn left and proceed

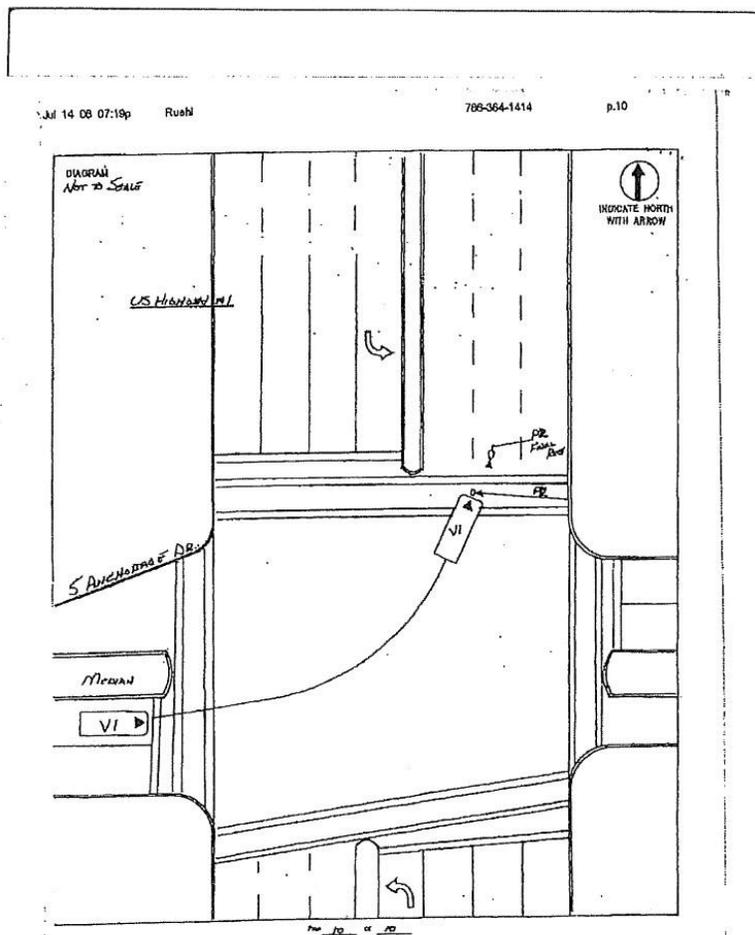
north on U. S. Highway 1. When the light changed, Ms. Bedford drove the bus eastward through the intersection and turned left, as planned, heading northward. She did not see Mr. Abbott, who was in the center northbound lane of U. S. Highway 1, until it was too late. The school bus struck Mr. Abbott and knocked him to the ground. He sustained a serious, traumatic brain injury in the accident.

Mr. Abbott received cardiopulmonary resuscitation (CPR) at the scene and was rushed to St. Mary's Medical Center, where he was placed on a ventilator. A cerebral shunt was placed to decrease intracranial pressure. After two months, Mr. Abbott was discharged with the following diagnoses: traumatic brain injury, pulmonary contusions, intracranial hemorrhage, subdural hematoma, and paralysis.

Mr. Abbott presently resides in a nursing home. As a result of the brain injury, he is unable to talk, walk, or take care of himself. He is alert but has significant cognitive impairments. Mr. Abbott has neurogenic bladder and bowel and hence is incontinent. He cannot perform any activities of daily living and needs constant, total care. His condition is not expected to improve.

Based on the Life Care Plan prepared by Stuart B. Krost, M.D., Mr. Abbott's future medical needs, assuming a life expectancy of 78 years, are projected to cost about \$4 million, before a reduction to present value. Based on the evidence presented, the undersigned is unable to determine the approximate amount of Mr. Abbott's past medical expenses, but it appears to be a sum between, very roughly, \$200,000 and \$775,000.

DIAGRAM:



LEGAL PROCEEDINGS:

In 2008, Mr. Abbott's son David, as guardian, brought suit on Mr. Abbott's behalf against the School Board of Palm Beach County. The action was filed in the Circuit Court in and for Palm Beach County, Florida.

Before trial the parties attended a mediation conference and agreed to settle the case for \$2 million, \$100,000 of which the School Board paid immediately. Pursuant to the settlement agreement, the \$1.9 million balance will be paid, if this claim bill is enacted, in eight yearly installments of \$211,111.11, plus a ninth and final annual payment of \$211,111.12. These yearly payments will commence, if at all, on the effective date of the claim bill, should it become law, and continue for nine years, or until Mr. Abbott's death, whichever first occurs. The School Board has agreed, however, to make at least three years' worth of payments,

guaranteeing a minimum payout of \$633,333.33 (if this claim bill passes).

Out of the \$100,000 settlement proceeds he has already received, Mr. Abbott paid \$25,000 in attorney's fees and, after paying some expenses, netted \$51,905.65. This amount was paid to Mr. Abbott's guardian, David Abbott.

CLAIMANT'S ARGUMENTS:

The Palm Beach County School Board is vicariously liable for the negligence of its employee, who breached the duty of a motorist to use reasonable care toward a pedestrian by failing to yield the right-of-way to Mr. Abbott as he crossed U. S. Highway #1 on foot within a marked crosswalk.

RESPONDENT'S POSITION:

The Palm Beach County School Board does not oppose the enactment of this claim bill. It is self-insured, however, and would pay the balance of the agreed sum out of its General Fund, which was the source of revenue used to satisfy the initial commitment of \$100,000. The School Board notes that payment of the \$1.9 million sought in this bill would be difficult, given budgetary constraints, but it stops short of urging that the bill be rejected on this basis.

CONCLUSIONS OF LAW:

As provided in s. 768.28, Florida Statutes (2010), sovereign immunity shields the School Board against tort liability in excess of \$200,000 per occurrence.

A school board is liable for any negligent act committed by a public school bus driver whom it employs, provided the act is within the scope of the driver's employment. Hollis v. School Board of Leon Cnty., 384 So. 2d 661, 665 (Fla. 1st DCA 1980). Ms. Bedford was the School Board's employee and was clearly acting within the scope of her employment at the time of the accident in question. Accordingly, the negligence of Ms. Bedford is attributable to the School Board.

Like any motorist, a school bus driver has a duty to look out for pedestrians and to avoid creating hazardous situations. See Resnick v. National Car Rental Systems, Inc., 266 So. 2d 74, 75 (Fla. 3d DCA 1972). While "the rights of motorists and pedestrians on highways are reciprocal," the motorist "must exercise ordinary reasonable and due care toward a pedestrian." Edwards v. Donaldson, 103 So. 2d 256, 259 (Fla. 2d DCA 1958).

Here, the applicable traffic regulations required that Ms. Bedford yield to Mr. Abbott because he was crossing the road within a marked crosswalk. See § 316.130(7), Fla. Stat.; see also, § 316.075(1)(a)1., Fla. Stat. ("[V]ehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such [green] signal is exhibited.") Ms. Bedford breached the duty to use reasonable care for the safety of Mr. Abbott. Her negligence was the direct and proximate cause of Mr. Abbott's serious and irreversible brain injury.

The sum that the School District has agreed to pay Mr. Abbott (\$2 million) is both reasonable and responsible, given the nature and permanence of the injury and the Mr. Abbott's substantial and continuing medical needs.

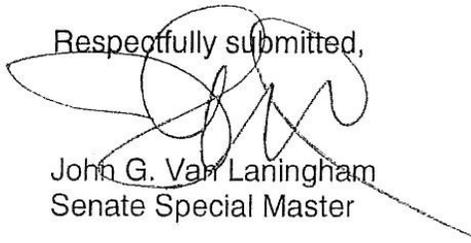
ATTORNEYS FEES:

Section 768.28(8), Florida Statutes, provides that "[n]o attorney may charge, demand, receive, or collect, for services rendered, fees in excess of 25 percent of any judgment or settlement." Mr. Abbott's attorney, Joseph R. Johnson, Esquire, has submitted an affidavit attesting that all attorney's fees, lobbying fees, and costs will be paid in accordance with the limitations specified in the claim bill.

RECOMMENDATIONS:

For the reasons set forth above, I recommend that Senate Bill 54 (2012) be reported FAVORABLY.

Respectfully submitted,



John G. Van Laningham  
Senate Special Master

cc: Senator Joe Negron  
Debbie Brown, Interim Secretary of the Senate  
Counsel of Record

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: PCS/SB 1522 (309968)

INTRODUCER: Appropriations Subcommittee on Education and Senator Detert

SUBJECT: Workforce Training

DATE: April 10, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	HE	<b>Favorable</b>
2.	Sikes	Elwell	AED	<b>Recommend: Fav/CS</b>
3.			AP	

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**I. Summary:**

PCS/SB 1522 requires the Department of Education (DOE) and the Department of Economic Opportunity (DEO) to collaborate to improve preapprenticeship and apprenticeship programs; and requires DOE to submit to the Governor, President of the Senate, Speaker of the House of Representatives, and the Higher Education Coordinating Council, program accountability and operational reports.

Specifically, the bill:

- Revises the definition of “journeyman” to “journeyworker” and associated responsibilities.
- Adds industry certifications as an organized course of instruction in preapprenticeship and apprenticeship programs.
- Requires DOE and DEO to identify and recommend apprenticeship and preapprenticeship programs that are aligned with the state and regional workforce needs.

The bill has no fiscal impact on state funds.

The bill takes effect July 1, 2015.

**II. Present Situation:**

Registered Apprenticeship (RA) “connects job seekers looking to learn new skills with employers looking for qualified workers, resulting in a workforce with industry-driven training and employers with a competitive edge.”<sup>1</sup>

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<sup>1</sup> U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

## Federal Law

The United States Congress enacted the National Apprenticeship Act (also known as the Fitzgerald Act in honor of its author, Congressman William J. Fitzgerald)<sup>2</sup> in 1937.<sup>3</sup> Following the passage of the act, RA programs consisted mainly of manufacturing, construction, and utilities industries.<sup>4</sup> Since 1937, RA programs have grown to 24,000 programs providing education and training to approximately 400,000 apprentices in emerging and high-growth sectors such as energy conservation, health care, and information technology, in addition to traditional industries such as manufacturing and construction.<sup>5</sup> “As the need for skilled workers increases and our economy faces greater global competition, RA continues to be a competitive advantage for all parties—individuals, businesses, labor management organizations, education, the workforce investment system and government. For these reasons, [the Employment and Training Administration, U.S. Department of Labor] issued revised regulations that increase program flexibility to better serve the needs of today’s apprentices and program sponsors.”<sup>6</sup>

For apprentices and program sponsors, the regulations:<sup>7</sup>

- Incorporate technology-based learning;
- Provide additional pathways to certification;
- Introduce interim credentials;
- Improve registration and review process;
- Update the reciprocal registration provision; and
- Introduce provisional registration.

For State Apprenticeship Agencies (SSAs), the regulations:<sup>8</sup>

- Increase linkages with the workforce investment system;
- Redefine the roles and responsibilities of SSAs and State Apprenticeship Councils (SACs);
- Establish a process for continued recognition; and
- Increase flexibility for location of an SSA.

For the U.S. Department of Labor, the regulations:<sup>9</sup>

- Enhance program accountability; and
- Ensure national conformity with federal apprenticeship legislation and regulations.

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<sup>2</sup> U.S. Department of Labor, *Workforce System Results* (Sep. 30, 2012), available at <http://www.doleta.gov/Farmworker/pdf/workforceSystemResultsSept2012.pdf>, at 4 of 38.

<sup>3</sup> U.S. Department of Labor, *Registered Apprenticeship*, <http://www.doleta.gov/oa/history.cfm> (last visited March 2, 2015); see 29 U.S.C., s. 50.

<sup>4</sup> U.S. Department of Labor, *Registered Apprenticeship*, <http://www.doleta.gov/oa/history.cfm> (last visited March 2, 2015).

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

<sup>6</sup> *Id.* “These revised regulations published, on October 29, 2008, update Title 29 CFR, part 29 and provide a framework that supports an enhanced, modernized apprenticeship system.” U.S. Department of Labor, *Regulations*, <http://www.doleta.gov/oa/regulations.cfm> (last visited March 2, 2015).

<sup>7</sup> U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at [http://www.doleta.gov/oa/pdf/Apprenticeship\\_Final\\_Fact\\_Sheet.pdf](http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf), at 1-2 of 4.

<sup>8</sup> U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at [http://www.doleta.gov/oa/pdf/Apprenticeship\\_Final\\_Fact\\_Sheet.pdf](http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf), at 2-3 of 4.

<sup>9</sup> U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at [http://www.doleta.gov/oa/pdf/Apprenticeship\\_Final\\_Fact\\_Sheet.pdf](http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf), at 3 of 4.

### ***Eligibility and Requirements***

Registered apprenticeship program sponsors (i.e., employers, employer associations, and labor management organizations)<sup>10</sup> identify the minimum qualifications to apply into their apprenticeship program.<sup>11</sup> An individual must be at least 16 years of age to be an apprentice.<sup>12</sup> In hazardous occupations, individuals must usually be 18 years of age.<sup>13</sup> Program sponsors may also identify additional minimum qualifications and credentials to apply (e.g., education, ability to physically perform the essential functions of the occupation, and proof of age). All applicants are required to meet the minimum qualifications. Based on the selection method utilized by the sponsor, additional qualification standards, such as fair aptitude tests and interviews, school grades, and previous work experience may be identified.<sup>14</sup>

### ***Program Length***

Apprenticeship programs range from 1 year to 6 years, but the majority are 4 years in length.<sup>15</sup> During the program, the apprentice receives both structured, on-the-job learning (OJL) and related classroom instruction (RTI).<sup>16</sup> For each year of the apprenticeship, the apprentice typically receives 2,000 hours of on-the-job training and a recommended minimum of 144 hours of related classroom instruction.<sup>17</sup>

### ***State Law***

Florida law provides educational and training opportunities, in the form of apprenticeship and preapprenticeship programs, to prepare individuals in the state for trades, occupations, and professions suited to their abilities.<sup>18</sup>

An apprenticeship program means “an organized course of instruction, registered and approved by the department, which course shall contain all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices<sup>19</sup> including such matters as the

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<sup>10</sup> Registered Apprenticeship program sponsors vary from small, privately owned businesses to national employer and industry associations. There are nearly 29,000 sponsors representing more than 250,000 employers, such as UPS, the United States Military Apprenticeship Program, Werner Enterprises, and CVS/pharmacy. U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

<sup>11</sup> U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

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

<sup>13</sup> U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

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

<sup>15</sup> U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

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

<sup>17</sup> *Id.*

<sup>18</sup> Section 446.011(1), F.S.

<sup>19</sup> An apprentice means “a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which training should be combined with properly coordinated studies of technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.” Section 446.021(2), F.S. A journeyman means “a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.” Section 446.021(4), F.S. An apprenticeable occupation is a skilled trade which possesses all of the characteristics that are specified in law (e.g., customarily learned in a practical way through a structures, systemic program of on-the-job, supervised training and involves

requirements for a written apprenticeship agreement.”<sup>20</sup> A preapprenticeship program means “an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the department and sponsored by a registered apprenticeship program.”<sup>21</sup>

### ***Duties of the Department of Education***

The Department of Education (DOE or department) is responsible for administering, facilitating, and supervising registered apprenticeship programs (e.g., developing and encouraging apprenticeship programs, cooperating with and assisting apprenticeship sponsors to develop apprenticeship standards and training requirements, monitoring RA programs, investigating complaints regarding failure to meet the standards<sup>22</sup> established by the department, and canceling registration of programs that fail to comply with the standards and policies of the department).<sup>23</sup>

Additionally, the department, the district school boards, and the community college district boards of trustees must work together with existing apprenticeship programs so that individuals completing the preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.<sup>24</sup>

The Commissioner of Education (commissioner) must recommend, at least annually, the CAPE Postsecondary Industry Certification Funding List to the State Board of Education (SBE or state board) and may at any time recommend adding industry certifications.<sup>25</sup> The Chancellor of the State University System, the Chancellor of the Florida College System, and the Chancellor of Career and Adult Education must work with local workforce boards, other postsecondary institutions, businesses, and industry to identify, create, and recommend to the commissioner industry certifications to be placed on the funding list.<sup>26</sup>

### ***State Apprenticeship Advisory Council***

The purpose of the State Apprenticeship Advisory Council (Council) is to advise the department on matters related to apprenticeship.<sup>27</sup> The Council is comprised of 10 voting members appointed

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manual, mechanical, or technical skills and knowledge which require a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction). Section 446.092, F.S.

<sup>20</sup> Section 446.021(6), F.S.

<sup>21</sup> Section 446.021(5), F.S.

<sup>22</sup> The Department of Education (DOE or department) is responsible for developing apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and assisting district school boards and community college district boards of trustees in developing preapprenticeship programs. Sections 446.011(2), 446.032, and 446.052, F.S. Uniform minimum preapprenticeship standards means “the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards for admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit which may be given to preapprenticeship graduates upon acceptance into the apprenticeship program.” Section 446.021(8), F.S.

<sup>23</sup> Section 446.041, F.S.

<sup>24</sup> Section 446.052(3), F.S.

<sup>25</sup> Section 1008.44(2), F.S.

<sup>26</sup> *Id.*

<sup>27</sup> Section 446.045(2)(a), F.S.

by the Governor and two ex officio nonvoting members.<sup>28</sup> The Commissioner of Education or the commissioner's designee must serve ex officio as chair of the Council, but may not vote.<sup>29</sup>

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

The bill primarily fosters collaboration between the Department of Education (DOE) and the Department of Economic Opportunity (DEO) to identify and recommend apprenticeship and preapprenticeship programs that are aligned with the state and regional workforce needs and requires DOE to submit to the Governor, President of the Senate, Speaker of the House of Representatives, and the Higher Education Coordinating Council, program accountability and operational reports. This provision will facilitate the engagement of both the educational entities and the business community, as partners, in preparing individuals with the necessary skills to secure gainful employment and meet the workforce needs of the state. In addition, the bill also amends definition of apprenticeship and preapprenticeship programs and journeyworker.

The bill specifies accountability and operational reporting requirements for DOE and DEO regarding preapprenticeship and apprenticeship programs.

#### **Annual Accountability Report**

The bill requires DOE to collaborate with DEO to identify, develop, and register apprenticeship and preapprenticeship programs that are aligned with the statewide demand for a skilled labor force in high-demand occupations and to regional workforce needs. Beginning with the 2015-2016 fiscal year, annually by December 31, DOE must, in collaboration with DEO, submit to the Governor, President of the Senate, Speaker of the House of Representatives, and the Higher Education Coordinating Council, an accountability report on program usage, student demographics and performance outcomes, and program requirements for existing and new programs. The accountability report must also include regional information regarding program and student performance outcomes. The accountability report may assist with creating a purposeful approach for the state to strategically invest in apprenticeship and preapprenticeship programs based on employers' needs.

In addition, DOE must post on the department website, program information which, at a minimum, must include program admission requirements, program standards and training requirements, and a summary of program and student performance outcomes. Such information may create public awareness about the apprenticeship and preapprenticeship programs which could boost program enrollment and sponsorship.

#### **Operational Report**

The bill requires DOE, in collaboration with DEO and CareerSource Florida, Inc., to submit to the Governor, President of the Senate, Speaker of the House of Representatives, and the Higher Education Coordinating Council, an operational report by December 31, 2015. The operational report must summarize:

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

<sup>29</sup> Section 446.045(2)(b), F.S.

- The activities and coordination between DOE and DEO to identify, develop, register, and administer preapprenticeship and apprenticeship programs over the last five years.
- The strategies employed by DOE and DEO to engage school districts, Florida College System institutions, technical centers, and businesses as partners in the workforce system to expand employment opportunities for individuals including, but not limited to, individuals with unique abilities, which must include work-based learning experiences such as apprenticeships and preapprenticeships. The partnership may facilitate the consolidation of efforts to educate and train individuals to meet workforce needs of the state.
- Recommendations made by DOE and DEO to gain efficiency in program funding and make program governance changes to improve the delivery and management of apprenticeship and preapprenticeship programs based on workforce needs.
- Recommendations and strategies for DEO to ensure that employers in the state have access to information and consultative services, at no cost to the employers, regarding sponsorship of demand-driven registered apprenticeship and preapprenticeship programs. This provision is similar to the mission of South Carolina's Apprenticeship Carolina™ program which is to make "certain all employers in South Carolina have access to information and consultative services, at no charge, regarding sponsorship of a demand-driven registered apprenticeship program."<sup>30</sup> The goal of the provision is that businesses in Florida be able to access the necessary information to start or continue sponsoring apprenticeship and preapprenticeship programs.
- An evaluation of the feasibility of linking or incorporating, and of the resources necessary to link or incorporate, the Department of Education's website information on preapprenticeship and apprenticeship programs with the Department of Economic Opportunity and CareerSource Florida, Inc., workforce information system required under chapter 445, Florida Statutes.

Additionally, the bill modifies the definition of preapprenticeship and apprenticeship programs and journeyworker. The bill:

- Expands the definitions of apprenticeship and preapprenticeship programs by specifying that the organized course of instruction associated with the two programs include, but not be limited to, industry certifications that are identified on the industry certification funding list and adopted in rule by the State Board of Education. Industry certifications demonstrate to potential employers, mastery of specific skills, abilities, and competencies associated with such industry-approved certifications.
- Clarifies, in its definition, that a journeyworker is a mentor, technician, specialist, or other skilled worker who has documented attainment of skills and knowledge of an occupation, through formal apprenticeship, attainment of a nationally-recognized industry certification, or practical, on-the-job experience or formal training. The bill also makes conforming changes to relevant statutes to reflect the change to the definition of a journeyworker.

The bill takes effect July 1, 2015.

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<sup>30</sup> Apprenticeship Carolina™ SC Technical College System, *About Us*, <http://www.apprenticeshipcarolina.com/about.html> (last visited March 2, 2015).

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

PCS/SB 1522 requires the preparation of reports, revision of the Department of Education's web-based application to include information on apprenticeship and preapprenticeship programs, and staff time for collaboration between the Department of Education and the Department of Economic Opportunity; however, it is assumed that these efforts can be accomplished within existing agency resources. The bill has no fiscal impact.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 446.021, 446.032, 446.052, and 446.091.

This bill creates an undesignated section of Florida law.

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

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

**Recommended CS by Appropriations Subcommittee on Education on April 8, 2015:**

The committee substitute:

- Clarifies the responsibilities of the Department of Education regarding collaboration with the Department of Economic Opportunity to identify, develop, and register apprenticeship and preapprenticeship programs.
- Clarifies that the annual accountability report must include regional information related to program usage, student demographics and performance outcomes, and program requirements for existing and new programs.
- Requires DOE to collaborate with CareerSource Florida, Inc., in addition to DEO, to prepare an operational report which must also include:
  - A summary of activities and coordination between DOE and DEO to identify, develop, register, and administer apprenticeship and preapprenticeship programs over the last five years.
  - Recommendations to maximize resources of DOE and DEO to gain efficiencies in program development, administration, and funding.
  - An evaluation of the feasibility of linking DOE’s information on apprenticeship and preapprenticeship programs with DEO and CareerSource Florida, Inc. workforce information system.
- Establishes July 1, 2016 as the expiration date for the provisions related to the operational report.
- Amends the definition of “journeyworker” to include the attainment of nationally-recognized industry certifications as a way to demonstrate mastery of skills and competencies required for an occupation.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2015	.	
	.	
	.	
	.	

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Appropriations Subcommittee on Education (Galvano) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsections (2), (4), (5), and (6) of section 446.021, Florida Statutes, are amended to read:

446.021 Definitions of terms used in ss. 446.011-446.092.—  
As used in ss. 446.011-446.092, the term:

(2) "Apprentice" means a person at least 16 years of age who is engaged in learning a recognized skilled trade through



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11 actual work experience under the supervision of journeyworker  
12 ~~journeymen~~ craftsmen, which training should be combined with  
13 properly coordinated studies of related technical and  
14 supplementary subjects, and who has entered into a written  
15 agreement, which may be cited as an apprentice agreement, with a  
16 registered apprenticeship sponsor who may be ~~either~~ an employer,  
17 an association of employers, or a local joint apprenticeship  
18 committee.

19 (4) "Journeyworker" ~~"Journeyman"~~ means a worker who has  
20 attained certain skills, abilities, and competencies and who is  
21 recognized within an industry as having mastered the skills and  
22 competencies required for the occupation, including, but not  
23 limited to, attainment of a nationally recognized industry  
24 certification. The term includes a mentor, technician,  
25 specialist, or other skilled worker who has documented  
26 sufficient skills and knowledge of an occupation, through formal  
27 apprenticeship, attainment of a nationally recognized industry  
28 certification, or through practical, on-the-job experience or  
29 formal training ~~a person working in an apprenticeable occupation~~  
30 ~~who has successfully completed a registered apprenticeship~~  
31 ~~program or who has worked the number of years required by~~  
32 ~~established industry practices for the particular trade or~~  
33 ~~occupation.~~

34 (5) "Preapprenticeship program" means an organized course  
35 of instruction, including, but not limited to, industry  
36 certifications identified under s. 1008.44, in the public school  
37 system or elsewhere, which course is designed to prepare a  
38 person 16 years of age or older to become an apprentice and  
39 which course is approved by and registered with the department



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40 and sponsored by a registered apprenticeship program.

41 (6) "Apprenticeship program" means an organized course of  
42 instruction, including, but not limited to, industry  
43 certifications identified under s. 1008.44, registered and  
44 approved by the department, which course shall contain all terms  
45 and conditions for the qualifications, recruitment, selection,  
46 employment, and training of apprentices including such matters  
47 as the requirements for a written apprenticeship agreement.

48 Section 2. Section 446.032, Florida Statutes, is amended to  
49 read:

50 446.032 General duties of the department for apprenticeship  
51 training.—The department shall:

52 (1) Establish uniform minimum standards and policies  
53 governing apprentice programs and agreements. The standards and  
54 policies shall govern the terms and conditions of the  
55 apprentice's employment and training, including the quality  
56 training of the apprentice for, but not limited to, such matters  
57 as ratios of apprentices to journeyworkers ~~journeymen~~, safety,  
58 related instruction, and on-the-job training; but these  
59 standards and policies may not include rules, standards, or  
60 guidelines that require the use of apprentices and job trainees  
61 on state, county, or municipal contracts. The department may  
62 adopt rules necessary to administer the standards and policies.

63 (2) Establish procedures to be used by the State  
64 Apprenticeship Advisory Council.

65 (3) Collaborate with the Department of Economic Opportunity  
66 to identify, develop, and register apprenticeship programs that  
67 are aligned with statewide demand for a skilled labor force in  
68 high-demand occupations and with regional workforce needs.



69 Beginning in the 2015-2016 fiscal year, the department shall  
70 annually, by December 31, submit an accountability report, which  
71 must include information related to program usage, student  
72 demographics and performance outcomes, and program requirements  
73 for the existing apprenticeship and preapprenticeship programs  
74 and the development of new programs. The report must include  
75 regional information about program and student performance  
76 outcomes. The report must be submitted to the Governor, the  
77 President of the Senate, the Speaker of the House of  
78 Representatives, and the Higher Education Coordinating Council.

79 (4) Post on its Internet website information regarding  
80 apprenticeship programs, which must, at a minimum, include:

- 81 (a) Program admission requirements;
- 82 (b) Program standards and training requirements; and
- 83 (c) A summary of program and student performance outcomes.

84 Section 3. Subsections (5) and (6) are added to section  
85 446.052, Florida Statutes, to read:

86 446.052 Preapprenticeship program.—

87 (5) The department shall collaborate with the Department of  
88 Economic Opportunity to identify, develop, and register  
89 preapprenticeship programs that are aligned with statewide  
90 demand for a skilled labor force in high-demand occupations and  
91 with regional workforce needs. Beginning in the 2015-2016 fiscal  
92 year, the department shall annually, by December 31, submit an  
93 accountability report, which must include information related to  
94 program usage, student demographics and performance outcomes,  
95 and program requirements for the existing apprenticeship and  
96 preapprenticeship programs and the development of new programs.  
97 The report must include regional information about program and



786518

98 student performance outcomes. The report must be submitted to  
99 the Governor, the President of the Senate, the Speaker of the  
100 House of Representatives, and the Higher Education Coordinating  
101 Council.

102 (6) The department shall post on its Internet website  
103 information regarding preapprenticeship programs, which must, at  
104 a minimum, include:

105 (a) Program admission requirements;

106 (b) Program standards and training requirements; and

107 (c) A summary of program and student performance outcomes.

108 Section 4. Preapprenticeship and apprenticeship operational  
109 report.—(1) By December 31, 2015, the Department of Education,  
110 in collaboration with the Department of Economic Opportunity and  
111 CareerSource Florida, Inc., shall submit an operational report  
112 to the Governor, the President of the Senate, the Speaker of the  
113 House of Representatives, and the Higher Education Coordinating  
114 Council providing:

115 (a) A summary of the activities and coordination between  
116 the two agencies to identify, develop, register, and administer  
117 preapprenticeship and apprenticeship programs over the last 5  
118 years.

119 (b) The strategies employed by the two agencies to engage  
120 school districts, Florida College System institutions, technical  
121 centers, businesses, and other stakeholders as partners in the  
122 workforce system to expand employment opportunities for  
123 individuals, including, but not limited to, those individuals  
124 with unique abilities, which must include work-based learning  
125 experiences, such as preapprenticeships and apprenticeships.

126 (c) Recommendations to maximize the resources of the two



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127 agencies to gain efficiency in program development,  
128 administration, and funding and make program governance changes  
129 to improve the delivery and management of preapprenticeship and  
130 apprenticeship programs based on workforce demands. These  
131 recommendations must take into account federal resources and  
132 must include any necessary or suggested changes to the programs  
133 ensuing from implementation of the Workforce Innovation and  
134 Opportunity Act of 2014 and related regulations.

135 (d) Recommendations and strategies for the two agencies to  
136 communicate effectively with employers in this state and ensure  
137 that employers have access to information and consultative  
138 services, at no cost to the employers, regarding sponsorship of  
139 demand-driven, registered preapprenticeship and apprenticeship  
140 programs and information about the availability of program  
141 students for employment.

142 (e) An evaluation of the feasibility of linking or  
143 incorporating, and of the resources necessary to link or  
144 incorporate, the Department of Education's website information  
145 on preapprenticeship and apprenticeship programs with the  
146 Department of Economic Opportunity and CareerSource Florida,  
147 Inc., workforce information system required under chapter 445,  
148 Florida Statutes.

149 (2) This section expires on July 1, 2016.

150 Section 5. Section 446.091, Florida Statutes, is amended to  
151 read:

152 446.091 On-the-job training program.—All provisions of ss.  
153 446.011-446.092 relating to apprenticeship and  
154 preapprenticeship, including, but not limited to, programs,  
155 agreements, standards, administration, procedures, definitions,



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156 expenditures, local committees, powers and duties, limitations,  
157 grievances, and ratios of apprentices and job trainees to  
158 journeyworkers ~~journeymen~~ on state, county, and municipal  
159 contracts, shall be appropriately adapted and made applicable to  
160 a program of on-the-job training authorized under those  
161 provisions for persons other than apprentices.

162 Section 6. This act shall take effect July 1, 2015.

163

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

165 And the title is amended as follows:

166 Delete everything before the enacting clause  
167 and insert:

168

A bill to be entitled

169 An act relating to workforce training; amending s.  
170 446.021, F.S.; redefining terms; amending s. 446.032,  
171 F.S.; conforming a provision to changes made by the  
172 act; requiring the Department of Education, in  
173 collaboration with the Department of Economic  
174 Opportunity, to identify and recommend specified  
175 apprenticeship programs; requiring the department to  
176 annually submit an accountability report with  
177 specified requirements to the Governor, the  
178 Legislature, and the Higher Education Coordinating  
179 Council; requiring the department to post on its  
180 Internet website specified information regarding  
181 apprenticeship programs; amending s. 446.052, F.S.;  
182 requiring the Department of Education, in  
183 collaboration with the Department of Economic  
184 Opportunity, to identify and recommend specified



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185 preapprenticeship programs; requiring the department  
186 to annually submit an accountability report with  
187 specified content to the Governor, the Legislature,  
188 and the Higher Education Coordinating Council;  
189 requiring the department to post on its Internet  
190 website specified information regarding  
191 preapprenticeship programs; requiring the Department  
192 of Education, in collaboration with the Department of  
193 Economic Opportunity to submit an operational report  
194 to the Governor, the Legislature, and the Higher  
195 Education Coordinating Council with specified  
196 information; amending s. 446.091, F.S.; conforming a  
197 provision to changes made by the act; providing an  
198 effective date.

By Senator Detert

28-00993A-15

20151522\_\_

1 A bill to be entitled  
 2 An act relating to workforce training; amending s.  
 3 446.021, F.S.; redefining terms; amending s. 446.032,  
 4 F.S.; conforming a provision to changes made by the  
 5 act; requiring the Department of Education, in  
 6 collaboration with the Department of Economic  
 7 Opportunity, to identify and recommend specified  
 8 apprenticeship programs; requiring the department to  
 9 annually submit an accountability report with  
 10 specified requirements to the Governor, the  
 11 Legislature, and the Higher Education Coordinating  
 12 Council; requiring the department to post on its  
 13 Internet website specified information regarding  
 14 apprenticeship programs; amending s. 446.052, F.S.;  
 15 requiring the Department of Education, in  
 16 collaboration with the Department of Economic  
 17 Opportunity, to identify and recommend specified  
 18 preapprenticeship programs; requiring the department  
 19 to annually submit an accountability report with  
 20 specified requirements to the Governor, the  
 21 Legislature, and the Higher Education Coordinating  
 22 Council; requiring the department to post on its  
 23 Internet website specified information regarding  
 24 preapprenticeship programs; requiring the Department  
 25 of Education, in collaboration with the Department of  
 26 Economic Opportunity to submit an operational report  
 27 to the Governor, the Legislature, and the Higher  
 28 Education Coordinating Council with specified  
 29 information; amending s. 446.091, F.S.; conforming a

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

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20151522\_\_

30 provision to changes made by the act; providing an  
 31 effective date.

32  
 33 Be It Enacted by the Legislature of the State of Florida:

34  
 35 Section 1. Subsections (2), (4), (5), and (6) of section  
 36 446.021, Florida Statutes, are amended to read:  
 37 446.021 Definitions of terms used in ss. 446.011-446.092.—  
 38 As used in ss. 446.011-446.092, the term:

39 (2) "Apprentice" means a person at least 16 years of age  
 40 who is engaged in learning a recognized skilled trade through  
 41 actual work experience under the supervision of journeyworker  
 42 journeymen craftsmen, which training should be combined with  
 43 properly coordinated studies of related technical and  
 44 supplementary subjects, and who has entered into a written  
 45 agreement, which may be cited as an apprentice agreement, with a  
 46 registered apprenticeship sponsor who may be ~~either~~ an employer,  
 47 an association of employers, or a local joint apprenticeship  
 48 committee.

49 (4) "Journeyworker" "~~Journeyman~~" means a worker who has  
 50 attained certain skills, abilities, and competencies and who is  
 51 recognized within an industry as having mastered the skills and  
 52 competencies required for the occupation. The term includes a  
 53 mentor, technician, or specialist or any other skilled worker  
 54 who has documented sufficient skills and knowledge of an  
 55 occupation, through formal apprenticeship or through practical,  
 56 on-the-job experience or formal training ~~a person working in an~~  
 57 ~~apprenticeable occupation who has successfully completed a~~  
 58 ~~registered apprenticeship program or who has worked the number~~

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

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59 ~~of years required by established industry practices for the~~  
60 ~~particular trade or occupation.~~

61 (5) "Preapprenticeship program" means an organized course  
62 of instruction, including, but not limited to, industry  
63 certifications identified under s. 1008.44, in the public school  
64 system or elsewhere, which course is designed to prepare a  
65 person 16 years of age or older to become an apprentice and  
66 which course is approved by and registered with the department  
67 and sponsored by a registered apprenticeship program.

68 (6) "Apprenticeship program" means an organized course of  
69 instruction, including, but not limited to, industry  
70 certifications identified under s. 1008.44, registered and  
71 approved by the department, which course shall contain all terms  
72 and conditions for the qualifications, recruitment, selection,  
73 employment, and training of apprentices including such matters  
74 as the requirements for a written apprenticeship agreement.

75 Section 2. Section 446.032, Florida Statutes, is amended to  
76 read:

77 446.032 General duties of the department for apprenticeship  
78 training.—The department shall:

79 (1) Establish uniform minimum standards and policies  
80 governing apprentice programs and agreements. The standards and  
81 policies shall govern the terms and conditions of the  
82 apprentice's employment and training, including the quality  
83 training of the apprentice for, but not limited to, such matters  
84 as ratios of apprentices to journeyworkers journeymen, safety,  
85 related instruction, and on-the-job training; but these  
86 standards and policies may not include rules, standards, or  
87 guidelines that require the use of apprentices and job trainees

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88 on state, county, or municipal contracts. The department may  
89 adopt rules necessary to administer the standards and policies.

90 (2) Establish procedures to be used by the State  
91 Apprenticeship Advisory Council.

92 (3) Collaborate with the Department of Economic Opportunity  
93 to identify and recommend apprenticeship programs that are  
94 aligned with statewide demand for a skilled labor force in high-  
95 demand occupations and to regional workforce needs. Beginning in  
96 the 2015-2016 fiscal year, the department must annually, by  
97 December 31, submit an accountability report, which must include  
98 the status and summary information regarding program and student  
99 performance outcomes and requirements associated with  
100 apprenticeship programs, to the Governor, the President of the  
101 Senate, the Speaker of the House of Representatives, and the  
102 Higher Education Coordinating Council.

103 (4) Post on its Internet website information regarding  
104 apprenticeship programs, which must, at a minimum, include:

105 (a) Program admission requirements;

106 (b) Program standards and training requirements; and

107 (c) A summary of program and student performance outcomes.

108 Section 3. Subsections (5) and (6) are added to section  
109 446.052, Florida Statutes, to read:

110 446.052 Preapprenticeship program.—

111 (5) The department shall collaborate with the Department of  
112 Economic Opportunity to identify and recommend preapprenticeship  
113 programs that are aligned with statewide demand for a skilled  
114 labor force in high-demand occupations and to regional workforce  
115 needs. Beginning in the 2015-2016 fiscal year, the department  
116 must annually, by December 31, submit an accountability report,

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

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 117 which must include the status and summary information regarding  
 118 program and student performance outcomes and requirements  
 119 associated with preapprenticeship programs, to the Governor, the  
 120 President of the Senate, the Speaker of the House of  
 121 Representatives, and the Higher Education Coordinating Council.

122 (6) The department shall post on its Internet website  
 123 information regarding preapprenticeship programs, which must, at  
 124 a minimum, include:

125 (a) Program admission requirements;

126 (b) Program standards and training requirements; and

127 (c) A summary of program and student performance outcomes.

128 Section 4. Preapprenticeship and apprenticeship operational  
 129 report.—By December 31, 2015, the Department of Education, in  
 130 collaboration with the Department of Economic Opportunity, shall  
 131 submit an operational report to the Governor, the President of  
 132 the Senate, the Speaker of the House of Representatives, and the  
 133 Higher Education Coordinating Council summarizing:

134 (1) The strategies employed by the Department of Education  
 135 and the Department of Economic Opportunity to engage school  
 136 districts, Florida College System institutions, technical  
 137 centers, and businesses as partners in the workforce system to  
 138 expand employment opportunities for individuals, including, but  
 139 not limited to, those individuals with unique abilities, which  
 140 must include work-based learning experiences, such as  
 141 preapprenticeships and apprenticeships.

142 (2) Recommendations made by the Department of Education and  
 143 the Department of Economic Opportunity to gain efficiency in  
 144 program funding and make program governance changes to improve  
 145 the delivery and management of preapprenticeship and

28-00993A-15 20151522\_\_  
 146 apprenticeship programs based on workforce needs.

147 (3) Recommendations and strategies for the Department of  
 148 Economic Opportunity to ensure that employers in the state have  
 149 access to information and consultative services, at no cost to  
 150 the employers, regarding sponsorship of demand-driven,  
 151 registered preapprenticeship and apprenticeship programs.

152 Section 5. Section 446.091, Florida Statutes, is amended to  
 153 read:

154 446.091 On-the-job training program.—All provisions of ss.  
 155 446.011-446.092 relating to apprenticeship and  
 156 preapprenticeship, including, but not limited to, programs,  
 157 agreements, standards, administration, procedures, definitions,  
 158 expenditures, local committees, powers and duties, limitations,  
 159 grievances, and ratios of apprentices and job trainees to  
 160 journeyworkers ~~journeymen~~ on state, county, and municipal  
 161 contracts, shall be appropriately adapted and made applicable to  
 162 a program of on-the-job training authorized under those  
 163 provisions for persons other than apprentices.

164 Section 6. This act shall take effect July 1, 2015.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/8/15  
Meeting Date

1522  
Bill Number (if applicable)

Topic Workforce Training

Amendment Barcode (if applicable)

Name Jim Horne

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

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

Phone 904-759-4596

City

State

Zip

Email JHorne@strategos  
group.com

Speaking:  For  Against  Information

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

Representing AIF

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

April 8, 2014

Senator Don Gaetz  
President Florida Senate  
409 Capitol  
404 South Monroe Street  
Tallahassee, FL 32399

Dear President Gaetz:

I am writing to request approval to be excused from today's Subcommittee on Education Appropriations meeting.

I appreciate your consideration in this matter.

Sincerely,

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

Bill Galvano

Cc: Tim Elwell  
Joanne Bennett

**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](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

# CourtSmart Tag Report

Room: KN 412  
Caption: Senate Appropriations Subcommittee on Education

Case:

Type:  
Judge:

Started: 4/8/2015 10:02:21 AM  
Ends: 4/8/2015 11:12:23 AM Length: 01:10:03

10:02:23 AM Call to order and roll call  
10:02:58 AM Chair comments  
10:03:07 AM Senator Detert - SB 888  
10:04:00 AM Am. #885500 W/D  
10:04:48 AM SB 1522  
10:08:20 AM SB 72  
10:09:24 AM Scott Kreuans-Palm Beach County Schools  
10:13:14 AM Jimmy Gustafson, Attorney  
10:18:06 AM SB 1264  
10:18:52 AM Senator Ring  
10:19:40 AM Am. #849922 Sen. Ring  
10:21:26 AM Senator Legg  
10:23:05 AM Senator Montford  
10:23:45 AM Senator Legg  
10:25:00 AM Senator Ring  
10:25:19 AM Senator Montford  
10:26:29 AM Senator Ring  
10:26:41 AM Senator Bullard  
10:27:21 AM Senator Legg  
10:28:39 AM Senator Bullard  
10:29:19 AM Senator Ring  
10:30:26 AM Senator Bullard  
10:31:35 AM Senator Legg  
10:33:52 AM Senator Ring  
10:35:13 AM Senator Legg  
10:36:33 AM SB 1260-Senator Bean  
10:41:18 AM SB 1260  
10:41:28 AM Senator Legg-SB 68  
10:42:35 AM Chair Question  
10:43:30 AM Motion to vote Senator Simmons  
10:44:31 AM SB 948 - Senator Gaetz  
10:47:57 AM Am. #449092-Senator Gaetz  
10:49:09 AM Senator Bullard  
10:49:28 AM Senator Gaetz  
10:49:42 AM Senator Bullard  
10:50:08 AM Senator Gaetz  
10:50:14 AM Senator Simmons  
10:51:01 AM Senator Bullard  
10:51:27 AM Senator Legg Am #645424  
10:53:01 AM Senator Bullard  
10:53:38 AM Senator Gaetz  
10:55:22 AM Senator Legg  
10:55:44 AM Senator Bullard  
10:56:21 AM Senator Gaetz  
11:03:42 AM Marshall Ogletree, Interim Executive Director, Affordability Language in Amendment  
11:05:41 AM Senator Gaetz  
11:06:37 AM SB 942  
11:08:13 AM SB 1252 - Rachel  
11:09:50 AM Senator Ring  
11:10:31 AM SB 1252 - TP  
11:10:47 AM Chair Gaetz  
11:11:37 AM Meeting Adjourned