

| Tab 1 | CS/SB 684 by ED, Gaetz, Stargel; (Compare to CS/H 0031) Choice in Sports | | | | | | |
|--------------|---|---|-----|------------|---------------------|-------|----------|
| 513366 | A | S | FAV | AED, Gaetz | Delete L.134 - 146: | 01/27 | 08:31 AM |

| Tab 2 | SB 1166 by Gaetz; Education Funding | | | | | | |
|--------------|--|---|--|------------|-------------------------|-------|----------|
| 515338 | D | S | | AED, Gaetz | Delete everything after | 01/22 | 02:23 PM |

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
 APPROPRIATIONS SUBCOMMITTEE ON EDUCATION
 Senator Gaetz, Chair
 Senator Montford, Vice Chair

MEETING DATE: Monday, January 25, 2016
TIME: 4:00—6:00 p.m.
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 | CS/SB 684 Education Pre-K - 12 / Gaetz / Stargel (Compare CS/H 31, CS/H 669, H 7039, S 886, CS/S 1026) | Choice in Sports; Revising public school choice options available to students to include CAPE digital tools, CAPE industry certifications, and collegiate high school programs; requiring each district school board and charter school governing board to authorize a parent to have his or her child participate in controlled open enrollment; requiring the Florida High School Athletic Association to allow a private school to maintain full membership in the association or to join by sport, etc. ED 01/14/2016 Fav/CS AED 01/25/2016 Fav/CS AP | Fav/CS Yeas 6 Nays 0 |
| 2 | SB 1166 Gaetz | Education Funding; Revising the calculation for certain supplemental funds for exceptional student education programs, etc. AED 01/25/2016 Temporarily Postponed AP | Temporarily Postponed |
| 3 | Review and Discussion of Fiscal Year 2016-2017 Budget Issues Relating To: Department of Education Board of Governors Office of Early Learning | | Not Considered |
| Other Related Meeting Documents | | | |

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: PCS/CS/SB 684

INTRODUCER: Education Pre-K - 12 Committee and Senators Gaetz and Stargel

SUBJECT: Choice in Sports

DATE: January 26, 2016

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 684 revises student eligibility requirements for participation in interscholastic and intrascholastic extracurricular activities, expands Florida High School Athletic Association (FHSAA) membership options for private schools, establishes escalating penalties for recruiting violations, and increases educational choice and controlled open enrollment options.

Specifically, the bill:

- Allows students to be immediately eligible to join an existing team if the activity roster has not reached maximum size and the student has the requisite skills and abilities to participate;
- Prohibits a school district from delaying or preventing student participation in interscholastic and intrascholastic extracurricular activities;
- Allows a private school the option of joining the FHSAA on a per-sport basis;
- Prohibits the FHSAA from discouraging private schools from simultaneously maintaining membership in another athletic association;
- Authorizes the FHSAA to allow a public school to apply for consideration to join another athletic association;
- Establishes escalating penalties for recruiting violations;
- Requires an educator certificate to be revoked for a third recruiting offense in violation of FHSAA bylaws; and
- Expands the scope of controlled open enrollment options available to parents beyond school district boundaries, subject to capacity and maximum class size limits.

The bill is expected to have an insignificant impact on state funds. Individual school districts may experience an increase or decrease in Florida Education Finance Program (FEFP) funding based on shifts in student enrollment.

The bill takes effect on July 1, 2016.

II. Present Situation:

Florida High School Athletics

The Florida High School Athletic Association (FHSAA) is statutorily designated as the governing nonprofit organization of athletics in Florida public schools in grades 6 through 12.¹ The FHSAA is not a state agency, but is assigned quasi-governmental functions.²

Student Eligibility

To be eligible for participation in interscholastic³ extracurricular activities,⁴ a student must meet certain academic and conduct requirements.⁵ Each student must meet the other requirements for participation established by the district school board.⁶ The FHSAA is required to adopt bylaws that, unless specifically provided by statute, establish eligibility requirements for all students who participate in high school athletic competition in its member schools.⁷

The FHSAA bylaws governing residence allow students to be eligible to participate in high school athletic competitions in the schools in which he or she:⁸

- First enrolls each school year; or
- Makes himself or herself a candidate for an athletic team by engaging in practice before enrolling.⁹

The FHSAA bylaws governing student transfers:¹⁰

- Allow a student to be eligible in the school to which the student transferred during the school year if the transfer was made by a deadline established by the FHSAA, which may not be prior to the date authorized for the beginning of practice for the sport.¹¹
- Require transfers to be allowed pursuant to the district school board policies in the case of transfer to a public school, or pursuant to the private school policies in the case of transfer to

¹ Section 1006.20, F.S.

² *Id.*

³ The FHSAA defines an “interscholastic contest” as any competition between organized teams or individuals of different schools in a sport recognized or sanctioned by the FHSAA, and is subject to all regulations pertaining to such contests. Bylaw 8.1.1, FHSAA.

⁴ “Extracurricular” means any school-authorized or education-related activity occurring during or outside the regular instructional school day. Section 1006.15(2), F.S.

⁵ Section 1006.15(3)(a), F.S.

⁶ Section 1006.15(4), F.S.

⁷ Section 1006.20(2)(a), F.S.

⁸ Section 1006.20(2)(a), F.S.

⁹ Section 1002.20(17), F.S.

¹⁰ Section 1006.20(2), F.S.

¹¹ Section 1006.20(2)(a), F.S.

a private school. The student shall remain eligible in that school so long as he or she is enrolled in that school.¹²

- Allow a student who transfers from a home education program, charter school, or from the Florida Virtual School full-time program to a public school before or during the first grading period of the school year to be academically eligible to participate in interscholastic extracurricular activities during the first grading period provided the student had a successful evaluation from the previous year.¹³
- Provide that requirements governing eligibility and transfer between member schools be applied similarly to public school students and private school students.¹⁴

The FHSAA, in cooperation with each district school board, facilitates a program for middle or high school students who attend a private school to be eligible to participate in an interscholastic or intrascholastic sport at a public high school, for which the student is zoned, if the private school is not a member of the FHSAA and does not offer an interscholastic or intrascholastic athletic program.¹⁵

Membership in the FHSAA

Any high school in the state, including charter schools, virtual schools, and home education cooperatives,¹⁶ may become a member of the FHSAA and participate in FHSAA activities.¹⁷ A private school that wishes to engage in high school athletic competition with a public high school may become a member of the FHSAA.¹⁸ Membership in the FHSAA is not mandatory for any school.¹⁹

The FHSAA may not deny or discourage interscholastic competition between its member schools and non-FHSAA member Florida schools, including members of another athletic governing organization.²⁰ The FHSAA is prohibited from taking retributory or discriminatory actions against member schools who participate in interscholastic competition with non-FHSAA member schools.²¹ The bylaws of the FHSAA are the rules by which high school athletic programs in its member schools, and the students who participate in them are governed, unless otherwise specified in statute.²² The FHSAA member schools may only engage in interscholastic contests with schools which are members of the FHSAA or with non-member schools that meet specific requirements designated in the FHSAA bylaws.²³

¹² *Id.*

¹³ Section 1006.15(3)(c)6.- (d)6 and (f), F.S.

¹⁴ Section 1006.20(2), F.S.

¹⁵ Section 1006.15(8), F.S.

¹⁶ A home education cooperative is defined by the FHSAA as a parent-directed group of individual home education students that provides opportunities for interscholastic athletic competition to those students and may include students in grades 6-12. Bylaw 3.2.2.4, FHSAA. Florida High School Athletic Association, *2015-16 FHSAA Bylaws* (2015-16), available at http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516_handbook_bylaws.pdf.

¹⁷ Section 1006.20, F.S.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* at (1)

²² *Id.*

²³ Bylaw 8.3, FHSAA. Florida High School Athletic Association, *2015-16 FHSAA Bylaws* (2015-16), available at http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516_handbook_bylaws.pdf.

Recruitment of Student Athletes

Florida law requires the FHSAA to adopt bylaws prohibiting the recruitment of student athletes.²⁴ Currently, the bylaws prohibit member schools from recruiting student athletes for athletic purposes.²⁵ “Athletic recruiting” is defined by the FHSAA as any effort by a school employee, athletic department staff member or representative of a school’s athletic interests to pressure, urge, or entice a student to attend that school for the purpose of participating in interscholastic athletics.²⁶ The FHSAA sets forth specific behaviors that constitute recruiting, as well as identifying persons who are considered to represent a school’s athletic interests.²⁷

If it is determined that a school has recruited a student in violation of FHSAA bylaws, the FHSAA may require the school to participate in a higher classification for the sport in which the recruited student competes for a minimum of one classification cycle.²⁸

In addition to any other appropriate fine and sanction imposed on the school, its coaches, or adult representatives, the following penalties may be imposed against a school for recruiting violations:²⁹

- Public reprimand;
- Financial penalty of a minimum of \$2,500;
- Probation for one or more years;
- Prohibition against participating in certain interscholastic competitions;
- Prohibition against participating in any interscholastic competition for one or more years in the sport(s) in which the violation(s) occurred;
- Restricted membership for one or more years during which time some or all of the school’s membership privileges may be restricted or denied; and
- Expulsion from membership in the FHSAA for one or more years.

The FHSAA must adopt bylaws that establish sanctions for coaches who have committed major violations of the FHSAA’s bylaws and policies.³⁰ The bylaws prescribe penalties and an appeals process for athletic recruiting violations.³¹

²⁴ Section 1006.20(2)(b), F.S.

²⁵ The FHSAA defines recruiting as the use of undue influence or special inducement by anyone associated with the school in an attempt to encourage a prospective student to attend or remain at that school for the purpose of participating in interscholastic athletics. Bylaw 6.3, FHSAA.

²⁶ Policy 36.2.1, FHSAA. *Administrative Policies of the Florida High School Athletic Association, Inc.* (2015-16), available at http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516_handbook_policies.pdf.

²⁷ Policy 36, FHSAA.

²⁸ Section 1006.20(2)(b), F.S.

²⁹ Policy 36.5, FHSAA; Bylaw 10.1.2, FHSAA.

³⁰ Section 1006.20(2)(f), F.S. Major violations include, but are not limited to: knowingly allowing an ineligible student to participate in a contest representing a member school in an interscholastic contest; or committing a violation of the FHSAA’s recruiting or sportsmanship policies.

³¹ *Id.*

The FHSAA must adopt bylaws for the process and standards for FHSAA student eligibility determinations.³² The bylaws must provide that student ineligibility must be established by clear and convincing evidence.³³

Controlled Open Enrollment

Controlled open enrollment is a public education delivery system that allows school districts to make student school assignments using parents' indicated preferential school choice as a significant factor.³⁴ School districts have the option to offer controlled open enrollment within the public schools in addition to existing choice programs such as virtual instruction programs, magnet schools, alternative schools, special programs, advanced placement, and dual enrollment.³⁵ The district school board must adopt by rule and post on the district website a controlled open enrollment plan.³⁶ The controlled open enrollment plan must:³⁷

- Adhere to federal desegregation requirements;
- Require an application process to participate in the controlled open enrollment program that allows parents to declare school preferences and includes placements of siblings within the same school;
- Use a lottery procedure to determine student assignment and establish an appeal process for hardship cases;
- Afford students in multiple session schools preferred access;
- Maintain socioeconomic, demographic, and racial balance; and
- Address the availability of transportation.

District school boards must annually report the number of students attending the various types of public schools of choice in the district.³⁸

III. Effect of Proposed Changes:

PCS/CS/SB 684 revises student eligibility requirements for participation in interscholastic and intrascholastic extracurricular activities, expands Florida High School Athletic Association (FHSAA) membership options for private schools, establishes escalating penalties for recruiting violations, and increases educational choice and controlled open enrollment options.

Specifically, the bill:

- Allows students to be immediately eligible to join an existing team if the activity roster has not reached maximum size and the student has the requisite skills and abilities to participate;
- Prohibits a school district from delaying or preventing student participation in interscholastic and intrascholastic extracurricular activities;

³² Section 1006(2)(g), F.S.

³³ Section 1006.20(2)(g), F.S. Bylaw 4.6.2.3, FHSAA. The FHSAA defines clear and convincing evidence as the evidence that is precise, explicit, lacking in confusion, and of such weight that it produces a firm belief or conviction, without hesitation, about the matter in issue. Bylaw 1.4.33, FHSAA.

³⁴ Section 1002.31, F.S.

³⁵ *Id.*

³⁶ *Id.*

³⁷ Section 1002.31(3), F.S.

³⁸ Section 1002.31(4), F.S.

- Allows a private school the option of joining the FHSAA on a per-sport basis;
- Prohibits the FHSAA from discouraging private schools from simultaneously maintaining membership in another athletic association;
- Authorizes the FHSAA to allow a public school to apply for consideration to join another athletic association;
- Establishes escalating penalties for recruiting violations;
- Requires an educator certificate to be revoked for a third recruiting offense in violation of FHSAA bylaws; and
- Expands the scope of controlled open enrollment options available to parents beyond school district boundaries, subject to capacity and maximum class size limits.

Florida High School Athletics

Student Eligibility

The bill revises student eligibility requirements by:

- Prohibiting a school district from delaying eligibility or otherwise preventing a student participating in controlled open enrollment or a school choice program from being immediately eligible to participate in interscholastic and intrascholastic extracurricular activities;
- Defining “eligible to participate” to include, but not be limited to, a student participating in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice, or contests, and does not require a student to be placed on any specific team for interscholastic or intrascholastic extracurricular activities; and
- Allowing a student who transfers during the school year to join an existing team if the activity roster has not reached maximum size and if the coach determines the student has the required skill and ability to participate.

Additionally, the bill increases student eligibility options by:

- Prohibiting the FHSAA and school district from declaring a transfer student ineligible due to the student’s inopportunity to comply with qualifying requirements;
- Enabling a private school student the option to participate at the public school zoned for the physical address, regardless of whether or not the school offers an interscholastic or intrascholastic athletic program; and
- Changing level of proof in an eligibility determination from “clear and convincing evidence” to “a preponderance of evidence.”³⁹

Membership in the FHSAA

The bill requires the FHSAA to allow a private school to join the FHSAA on a full-time or a per-sport basis. This offers a private school the option of joining other athletic associations by individual sport while maintaining membership in FHSAA for other sports. In addition, the bill

³⁹ Preponderance of evidence is defined to mean the evidence which is at the greater weight or more convincing than the evidence which is offered in opposition to it. Black, Henry Campbell. A Dictionary of Law: Containing Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern ... New York, NY: Lawbook Exchange, 1991.

prohibits the FHSAA from discouraging private schools from simultaneously maintaining membership in another athletic association.

The bill authorizes the FHSAA to allow a public school to apply for consideration to join another athletic association.

Recruitment of Student Athletes

The bill establishes escalating penalties for the recruitment of student athletes. Specifically, the bill enhances current recruitment penalties found in the FHSAA bylaws by adding stringent penalties for the recruitment of a student athlete by a school district employee or contractor. The bill requires the following penalties:

- First offense is a \$5,000 forfeiture of pay.
- Second offense includes suspension without pay for 12 months from coaching, directing, or advertising an extracurricular activity and a \$5,000 forfeiture of pay.
- Third offense includes:
 - \$5,000 forfeiture of pay for the employee or contractor who committed the violation; and
 - For an individual who holds an educator certificate:
 - The FHSAA will refer the violation for review to determine if probable cause exists;
 - The Commissioner of Education will file a formal complaint against the individual if there is a finding of probable cause; and
 - If the complaint is upheld, the individual's educator certificate will be revoked by the Education Practices Commission for 3 years, in addition to FHSAA penalties. The Department of Education will also revoke any adjunct teaching certificates issued under s. 1012.57, F.S. and all permissions under s. 1012.39, F.S. and 1012.43, F.S. The educator will be ineligible for such certificates or permissions for a period of time equal to the period of revocation of his or her state-issued certificate.

The bill also specifies that, in instances in which a student is recruited by an adult who is not a school district employee or contractor, a school will forfeit every competition in which the recruited student participates.

Controlled Open Enrollment

The bill expands the scope of a school district's controlled open enrollment options by:

- Allowing a parent from any district in the state, whose child is not subject to a current expulsion order or suspension order, to enroll and transport the child to any public school that has not reached capacity in the district, subject to maximum class size limits, including charter schools;
- Requiring the receiving school district to accept the student and report the student for funding;
- Allowing a student who transfers to remain at the school chosen by the parent until the student completes the highest grade level at the school; and
- Permitting a school district to provide transportation for students participating in a controlled open enrollment program.

The bill elevates the transparency of the district school board controlled open enrollment plans by requiring the district to adopt by rule and visibly post on its website the process required to participate in controlled open enrollment. Additionally, the bill requires that the controlled open enrollment process must:

- Provide preferential treatment to:
 - Dependent children of active duty military personnel whose move resulted from military orders;
 - Children who have been relocated due to a foster care placement in a different school zone;
 - Children who move due to a change in custody due to separation, divorce, the serious illness of a custodial parent, the death of a parent, or a court order; or
 - Students residing in the school district;
- Maintain existing academic eligibility criteria for public school choice programs; and
- Identify schools that have not reached capacity.⁴⁰

The bill takes effect on July 1, 2016.

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:

School district employees or contractors in violation of FHSAA recruiting bylaws will experience forfeiture of pay in the amount of \$5,000 for each offense; potential suspension without pay for 12 months for a second offense; and revocation of the individual's educator certificate for a third offense.

⁴⁰ In determining the capacity of each school, the district school board shall incorporate the specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs required under s. 1013.35. The bill.

C. **Government Sector Impact:**

PCS/CS/SB 684 is expected to have an insignificant impact on state funds. Individual school districts may experience an increase or decrease in Florida Education Finance Program (FEFP) funding based on shifts in student enrollment.

The Education Practices Commission (EPC) may experience an increase in workload as a result of educator discipline cases associated with the recruiting penalties specified in the bill. Since the number of additional cases which may occur as a result of this bill is not known, the impact on the EPC is indeterminate.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.20, 1002.31, 1006.15, 1006.20, 1012.795, and 1012.796.

IX. **Additional Information:**

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

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

Recommended CS by Appropriations Subcommittee on Education on January 25, 2016:

The committee substitute specifies that, in addition to an expulsion order, a student must not be subject to a suspension order to be guaranteed enrollment under the controlled open enrollment options.

CS by Education Pre-K – 12 on January 14, 2016:

The committee substitute modifies the bill as follows:

- Omits the authority for public schools to join the FHSAA on a per sport basis; and
- Authorizes the FHSAA to allow a public school the option to apply for consideration to join another athletic association.

B. **Amendments:**

None.



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LEGISLATIVE ACTION

| Senate | . | House |
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| 01/27/2016 | . | |
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| | . | |

Appropriations Subcommittee on Education (Gaetz) recommended the following:

Senate Amendment

Delete lines 134 - 146
and insert:
whose child is not subject to a current expulsion or suspension
order to enroll his or her child in and transport his or her
child to any public school that has not reached capacity in the
district, subject to the maximum class size pursuant to s.
1003.03 and s. 1, Art. IX of the State Constitution. The school
district shall accept the student, pursuant to that school



513366

11 district's controlled open enrollment participation process, and
12 report the student for purposes of the school district's funding
13 pursuant to the Florida Education Finance Program. A school
14 district may provide transportation to students described under
15 this subsection at the district school board's discretion.

16 (b) Each charter school governing board shall allow a
17 parent whose child is not subject to a current expulsion or
18 suspension order

By the Committee on Education Pre-K - 12; and Senators Gaetz and Stargel

581-02157-16

2016684c1

1 A bill to be entitled
 2 An act relating to choice in sports; amending s.
 3 1002.20, F.S.; revising public school choice options
 4 available to students to include CAPE digital tools,
 5 CAPE industry certifications, and collegiate high
 6 school programs; authorizing parents of public school
 7 students to seek private educational choice options
 8 through the Florida Personal Learning Scholarship
 9 Accounts Program under certain circumstances; revising
 10 student eligibility requirements for participating in
 11 high school athletic competitions; authorizing public
 12 schools to provide transportation to students
 13 participating in open enrollment; amending s. 1002.31,
 14 F.S.; requiring each district school board and charter
 15 school governing board to authorize a parent to have
 16 his or her child participate in controlled open
 17 enrollment; requiring the school district to report
 18 the student for purposes of the school district's
 19 funding; authorizing a school district to provide
 20 transportation to such students; requiring that each
 21 district school board adopt and publish on its website
 22 a controlled open enrollment process; specifying
 23 criteria for the process; prohibiting a school
 24 district from delaying or preventing a student who
 25 participates in controlled open enrollment from being
 26 immediately eligible to participate in certain
 27 activities; amending s. 1006.15, F.S.; defining the
 28 term "eligible to participate"; conforming provisions
 29 to changes made by the act; prohibiting a school
 30 district from delaying or preventing a student who
 31 participates in open controlled enrollment from being

Page 1 of 25

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581-02157-16

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32 immediately eligible to participate in certain
 33 activities; authorizing a transfer student to
 34 immediately participate in interscholastic or
 35 intrascholastic activities under certain
 36 circumstances; prohibiting a school district or the
 37 Florida High School Athletic Association (FHSAA) from
 38 declaring a transfer student ineligible under certain
 39 circumstances; amending s. 1006.20, F.S.; requiring
 40 the FHSAA to allow a private school to maintain full
 41 membership in the association or to join by sport;
 42 prohibiting the FHSAA from discouraging a private
 43 school from maintaining membership in the FHSAA and
 44 another athletic association; authorizing the FHSAA to
 45 allow a public school to apply for consideration to
 46 join another athletic association; specifying
 47 penalties for recruiting violations; requiring a
 48 school to forfeit a competition in which a student who
 49 was recruited by specified adults participated;
 50 revising circumstances under which a student may be
 51 declared ineligible; requiring student ineligibility
 52 to be established by a preponderance of the evidence;
 53 amending ss. 1012.795 and 1012.796, F.S.; conforming
 54 provisions to changes made by the act; providing an
 55 effective date.

56
 57 Be It Enacted by the Legislature of the State of Florida:

58
 59 Section 1. Paragraphs (a) and (b) of subsection (6),
 60 paragraph (a) of subsection (17), and paragraph (a) of

Page 2 of 25

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581-02157-16 2016684c1

61 subsection (22) of section 1002.20, Florida Statutes, are
62 amended to read:

63 1002.20 K-12 student and parent rights.—Parents of public
64 school students must receive accurate and timely information
65 regarding their child’s academic progress and must be informed
66 of ways they can help their child to succeed in school. K-12
67 students and their parents are afforded numerous statutory
68 rights including, but not limited to, the following:

69 (6) EDUCATIONAL CHOICE.—

70 (a) *Public school choices.*—Parents of public school
71 students may seek any ~~whatever~~ public school choice options that
72 are applicable and available to students in their school
73 districts. These options may include controlled open enrollment,
74 single-gender programs, lab schools, virtual instruction
75 programs, charter schools, charter technical career centers,
76 magnet schools, alternative schools, special programs, auditory-
77 oral education programs, advanced placement, dual enrollment,
78 International Baccalaureate, International General Certificate
79 of Secondary Education (pre-AICE), CAPE digital tools, CAPE
80 industry certifications, collegiate high school programs,
81 Advanced International Certificate of Education, early
82 admissions, credit by examination or demonstration of
83 competency, the New World School of the Arts, the Florida School
84 for the Deaf and the Blind, and the Florida Virtual School.
85 These options may also include the public educational school
86 choice options of the Opportunity Scholarship Program and the
87 McKay Scholarships for Students with Disabilities Program.

88 (b) *Private educational school choices.*—Parents of public
89 school students may seek private educational school choice

Page 3 of 25

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581-02157-16 2016684c1

90 options under certain programs.

91 1. Under the McKay Scholarships for Students with
92 Disabilities Program, the parent of a public school student with
93 a disability may request and receive a McKay Scholarship for the
94 student to attend a private school in accordance with s.
95 1002.39.

96 2. Under the Florida Tax Credit Scholarship Program, the
97 parent of a student who qualifies for free or reduced-price
98 school lunch or who is currently placed, or during the previous
99 state fiscal year was placed, in foster care as defined in s.
100 39.01 may seek a scholarship from an eligible nonprofit
101 scholarship-funding organization in accordance with s. 1002.395.

102 3. Under the Florida Personal Learning Scholarship Accounts
103 Program, the parent of a student with a qualifying disability
104 may apply for a personal learning scholarship to be used for
105 individual educational needs in accordance with s. 1002.385.

106 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

107 (a) *Eligibility.*—Eligibility requirements for all students
108 participating in high school athletic competition must allow a
109 student to be immediately eligible in the school in which he or
110 she first enrolls each school year, the school in which the
111 student makes himself or herself a candidate for an athletic
112 team by engaging in practice before enrolling, or the school to
113 which the student has transferred ~~with approval of the district~~
114 ~~school board,~~ in accordance with ~~the provisions of s.~~
115 1006.20(2)(a).

116 (22) TRANSPORTATION.—

117 (a) *Transportation to school.*—Public school students shall
118 be provided transportation to school, in accordance with ~~the~~

Page 4 of 25

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119 ~~provisions of s. 1006.21(3)(a). Public school students may be~~
 120 ~~provided transportation to school in accordance with the~~
 121 ~~controlled open enrollment provisions of s. 1002.31(2).~~

122 Section 2. Section 1002.31, Florida Statutes, is amended to
 123 read:

124 1002.31 Controlled open enrollment; public school parental
 125 choice.—

126 (1) As used in this section, "controlled open enrollment"
 127 means a public education delivery system that allows school
 128 districts to make student school assignments using parents'
 129 indicated preferential school choice as a significant factor.

130 (2)(a) As part of a school district's controlled open
 131 enrollment, and in addition to the existing public school choice
 132 programs provided in s. 1002.20(6)(a), each district school
 133 board shall allow a parent from any school district in the state
 134 whose child is not subject to a current expulsion order to
 135 enroll his or her child in and transport his or her child to any
 136 public school that has not reached capacity in the district,
 137 subject to the maximum class size pursuant to s. 1003.03 and s.
 138 1, Art. IX of the State Constitution. The school district shall
 139 accept the student, pursuant to that school district's
 140 controlled open enrollment participation process, and report the
 141 student for purposes of the school district's funding pursuant
 142 to the Florida Education Finance Program. A school district may
 143 provide transportation to students described under this
 144 subsection at the district school board's discretion.

145 (b) Each charter school governing board shall allow a
 146 parent whose child is not subject to a current expulsion order
 147 to enroll his or her child in and transport his or her child to

581-02157-16 2016684c1

148 the charter school if the school has not reached capacity,
 149 subject to the maximum class size pursuant to s. 1003.03 and s.
 150 1, Art. IX of the State Constitution, and the enrollment
 151 limitations pursuant to s. 1002.33(10)(e)1., 2., 5., 6., and 7.
 152 A charter school may provide transportation to students
 153 described under this subsection at the discretion of the charter
 154 school's governing board.

155 (c) For purposes of continuity of educational choice, a
 156 student who transfers pursuant to paragraph (a) or paragraph (b)
 157 may remain at the school chosen by the parent until the student
 158 completes the highest grade level at the school may offer
 159 controlled open enrollment within the public schools which is in
 160 addition to the existing choice programs such as virtual
 161 instruction programs, magnet schools, alternative schools,
 162 special programs, advanced placement, and dual enrollment.

163 (3) Each district school board ~~offering controlled open~~
 164 ~~enrollment~~ shall adopt by rule and post on its website the
 165 process required to participate in controlled open enrollment.

166 ~~The process a controlled open enrollment plan which~~ must:

167 (a) Adhere to federal desegregation requirements.

168 (b) ~~Allow~~ Include ~~an application process required to~~
 169 ~~participate in controlled open enrollment that allows parents to~~
 170 ~~declare school preferences, including placement of siblings~~
 171 ~~within the same school.~~

172 (c) Provide a lottery procedure to determine student
 173 assignment and establish an appeals process for hardship cases.

174 (d) Afford parents of students in multiple session schools
 175 preferred access to controlled open enrollment.

176 (e) Maintain socioeconomic, demographic, and racial

581-02157-16

2016684c1

177 balance.

178 (f) Address the availability of transportation.

179 (g) Maintain existing academic eligibility criteria for
180 public school choice programs pursuant to s. 1002.20(6)(a).

181 (h) Identify schools that have not reached capacity, as
182 determined by the school district. In determining the capacity
183 of each school, the district school board shall incorporate the
184 specifications, plans, elements, and commitments contained in
185 the school district educational facilities plan and the long-
186 term work programs required under s. 1013.35.

187 (i) Ensure that each district school board adopts a policy
188 to provide preferential treatment to all of the following:

189 1. Dependent children of active duty military personnel
190 whose move resulted from military orders.

191 2. Children who have been relocated due to a foster care
192 placement in a different school zone.

193 3. Children who move due to a change in custody due to
194 separation, divorce, the serious illness of a custodial parent,
195 the death of a parent, or a court order.

196 4. Students residing in the school district.

197 (4) In accordance with the reporting requirements of s.
198 1011.62, each district school board shall annually report the
199 number of students exercising public school choice, by type
200 attending the various types of public schools of choice in the
201 district, in accordance with including schools such as virtual
202 instruction programs, magnet schools, and public charter
203 schools, according to rules adopted by the State Board of
204 Education.

205 (5) For a school or program that is a public school of

581-02157-16

2016684c1

206 choice under this section, the calculation for compliance with
207 maximum class size pursuant to s. 1003.03 is the average number
208 of students at the school level.

209 (6) A school district may not delay eligibility or
210 otherwise prevent a student participating in controlled open
211 enrollment or a choice program from being immediately eligible
212 to participate in interscholastic and intrascholastic
213 extracurricular activities.

214 Section 3. Subsection (3) and paragraph (a) of subsection
215 (8) of section 1006.15, Florida Statutes, are amended, and
216 subsection (9) is added to that section, to read:

217 1006.15 Student standards for participation in
218 interscholastic and intrascholastic extracurricular student
219 activities; regulation.—

220 (3) (a) As used in this section and s. 1006.20, the term
221 "eligible to participate" includes, but is not limited to, a
222 student participating in tryouts, off-season conditioning,
223 summer workouts, preseason conditioning, in-season practice, or
224 contests. The term does not mean that a student must be placed
225 on any specific team for interscholastic or intrascholastic
226 extracurricular activities. To be eligible to participate in
227 interscholastic extracurricular student activities, a student
228 must:

229 1. Maintain a grade point average of 2.0 or above on a 4.0
230 scale, or its equivalent, in the previous semester or a
231 cumulative grade point average of 2.0 or above on a 4.0 scale,
232 or its equivalent, in the courses required by s. 1002.3105(5) or
233 s. 1003.4282.

234 2. Execute and fulfill the requirements of an academic

581-02157-16 2016684c1

235 performance contract between the student, the district school
 236 board, the appropriate governing association, and the student's
 237 parents, if the student's cumulative grade point average falls
 238 below 2.0, or its equivalent, on a 4.0 scale in the courses
 239 required by s. 1002.3105(5) or s. 1003.4282. At a minimum, the
 240 contract must require that the student attend summer school, or
 241 its graded equivalent, between grades 9 and 10 or grades 10 and
 242 11, as necessary.

243 3. Have a cumulative grade point average of 2.0 or above on
 244 a 4.0 scale, or its equivalent, in the courses required by s.
 245 1002.3105(5) or s. 1003.4282 during his or her junior or senior
 246 year.

247 4. Maintain satisfactory conduct, including adherence to
 248 appropriate dress and other codes of student conduct policies
 249 described in s. 1006.07(2). If a student is convicted of, or is
 250 found to have committed, a felony or a delinquent act that would
 251 have been a felony if committed by an adult, regardless of
 252 whether adjudication is withheld, the student's participation in
 253 interscholastic extracurricular activities is contingent upon
 254 established and published district school board policy.

255 (b) Any student who is exempt from attending a full school
 256 day based on rules adopted by the district school board for
 257 double session schools or programs, experimental schools, or
 258 schools operating under emergency conditions must maintain the
 259 grade point average required by this section and pass each class
 260 for which he or she is enrolled.

261 (c) An individual home education student is eligible to
 262 participate at the public school to which the student would be
 263 assigned according to district school board attendance area

581-02157-16 2016684c1

264 policies or which the student could ~~choose to attend pursuant to~~
 265 ~~district or interdistrict controlled open enrollment provisions,~~
 266 or may develop an agreement to participate at a private school,
 267 in the interscholastic extracurricular activities of that
 268 school, provided the following conditions are met:

269 1. The home education student must meet the requirements of
 270 the home education program pursuant to s. 1002.41.

271 2. During the period of participation at a school, the home
 272 education student must demonstrate educational progress as
 273 required in paragraph (b) in all subjects taken in the home
 274 education program by a method of evaluation agreed upon by the
 275 parent and the school principal which may include: review of the
 276 student's work by a certified teacher chosen by the parent;
 277 grades earned through correspondence; grades earned in courses
 278 taken at a Florida College System institution, university, or
 279 trade school; standardized test scores above the 35th
 280 percentile; or any other method designated in s. 1002.41.

281 3. The home education student must meet the same residency
 282 requirements as other students in the school at which he or she
 283 participates.

284 4. The home education student must meet the same standards
 285 of acceptance, behavior, and performance as required of other
 286 students in extracurricular activities.

287 5. The student must register with the school his or her
 288 intent to participate in interscholastic extracurricular
 289 activities as a representative of the school before the
 290 beginning date of the season for the activity in which he or she
 291 wishes to participate. A home education student must be able to
 292 participate in curricular activities if that is a requirement

581-02157-16

2016684c1

293 for an extracurricular activity.

294 6. A student who transfers from a home education program to
295 a public school before or during the first grading period of the
296 school year is academically eligible to participate in
297 interscholastic extracurricular activities during the first
298 grading period provided the student has a successful evaluation
299 from the previous school year, pursuant to subparagraph 2.

300 7. Any public school or private school student who has been
301 unable to maintain academic eligibility for participation in
302 interscholastic extracurricular activities is ineligible to
303 participate in such activities as a home education student until
304 the student has successfully completed one grading period in
305 home education pursuant to subparagraph 2. to become eligible to
306 participate as a home education student.

307 (d) An individual charter school student pursuant to s.
308 1002.33 is eligible to participate at the public school to which
309 the student would be assigned according to district school board
310 attendance area policies or which the student could ~~choose to~~
311 ~~attend, pursuant to district or interdistrict controlled open-~~
312 ~~enrollment provisions,~~ in any interscholastic extracurricular
313 activity of that school, unless such activity is provided by the
314 student's charter school, if the following conditions are met:

315 1. The charter school student must meet the requirements of
316 the charter school education program as determined by the
317 charter school governing board.

318 2. During the period of participation at a school, the
319 charter school student must demonstrate educational progress as
320 required in paragraph (b).

321 3. The charter school student must meet the same residency

581-02157-16

2016684c1

322 requirements as other students in the school at which he or she
323 participates.

324 4. The charter school student must meet the same standards
325 of acceptance, behavior, and performance that are required of
326 other students in extracurricular activities.

327 5. The charter school student must register with the school
328 his or her intent to participate in interscholastic
329 extracurricular activities as a representative of the school
330 before the beginning date of the season for the activity in
331 which he or she wishes to participate. A charter school student
332 must be able to participate in curricular activities if that is
333 a requirement for an extracurricular activity.

334 6. A student who transfers from a charter school program to
335 a traditional public school before or during the first grading
336 period of the school year is academically eligible to
337 participate in interscholastic extracurricular activities during
338 the first grading period if the student has a successful
339 evaluation from the previous school year, pursuant to
340 subparagraph 2.

341 7. Any public school or private school student who has been
342 unable to maintain academic eligibility for participation in
343 interscholastic extracurricular activities is ineligible to
344 participate in such activities as a charter school student until
345 the student has successfully completed one grading period in a
346 charter school pursuant to subparagraph 2. to become eligible to
347 participate as a charter school student.

348 (e) A student of the Florida Virtual School full-time
349 program may participate in any interscholastic extracurricular
350 activity at the public school to which the student would be

581-02157-16

2016684c1

351 assigned according to district school board attendance area
 352 policies or which the student could ~~choose to attend, pursuant~~
 353 ~~to district or interdistrict controlled open enrollment~~
 354 ~~policies~~, if the student:

355 1. During the period of participation in the
 356 interscholastic extracurricular activity, meets the requirements
 357 in paragraph (a).

358 2. Meets any additional requirements as determined by the
 359 board of trustees of the Florida Virtual School.

360 3. Meets the same residency requirements as other students
 361 in the school at which he or she participates.

362 4. Meets the same standards of acceptance, behavior, and
 363 performance that are required of other students in
 364 extracurricular activities.

365 5. Registers his or her intent to participate in
 366 interscholastic extracurricular activities with the school
 367 before the beginning date of the season for the activity in
 368 which he or she wishes to participate. A Florida Virtual School
 369 student must be able to participate in curricular activities if
 370 that is a requirement for an extracurricular activity.

371 (f) A student who transfers from the Florida Virtual School
 372 full-time program to a traditional public school before or
 373 during the first grading period of the school year is
 374 academically eligible to participate in interscholastic
 375 extracurricular activities during the first grading period if
 376 the student has a successful evaluation from the previous school
 377 year pursuant to paragraph (a).

378 (g) A public school or private school student who has been
 379 unable to maintain academic eligibility for participation in

Page 13 of 25

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581-02157-16

2016684c1

380 interscholastic extracurricular activities is ineligible to
 381 participate in such activities as a Florida Virtual School
 382 student until the student successfully completes one grading
 383 period in the Florida Virtual School pursuant to paragraph (a).

384 (h) A school district may not delay eligibility or
 385 otherwise prevent a student participating in controlled open
 386 enrollment, or a choice program, from being immediately eligible
 387 to participate in interscholastic and intrascholastic
 388 extracurricular activities.

389 (8) (a) The Florida High School Athletic Association
 390 (FHSAA), in cooperation with each district school board, shall
 391 facilitate a program in which a middle school or high school
 392 student who attends a private school shall be eligible to
 393 participate in an interscholastic or intrascholastic sport at a
 394 public high school, a public middle school, or a 6-12 public
 395 school that is zoned for the physical address at which the
 396 student resides if:

397 1. The private school in which the student is enrolled is
 398 not a member of the FHSAA ~~and does not offer an interscholastic~~
 399 ~~or intrascholastic athletic program.~~

400 2. The private school student meets the guidelines for the
 401 conduct of the program established by the FHSAA's board of
 402 directors and the district school board. At a minimum, such
 403 guidelines shall provide:

404 a. A deadline for each sport by which the private school
 405 student's parents must register with the public school in
 406 writing their intent for their child to participate at that
 407 school in the sport.

408 b. Requirements for a private school student to

Page 14 of 25

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581-02157-16

2016684c1

409 participate, including, but not limited to, meeting the same
 410 standards of eligibility, acceptance, behavior, educational
 411 progress, and performance which apply to other students
 412 participating in interscholastic or intrascholastic sports at a
 413 public school or FHSAA member private school.

414 (9) A student who transfers to a school during the school
 415 year may seek to immediately join an existing team if the roster
 416 for the specific interscholastic or intrascholastic
 417 extracurricular activity has not reached the activity's
 418 identified maximum size and if the coach for the activity
 419 determines that the student has the requisite skill and ability
 420 to participate. The FHSAA and school district may not declare
 421 such a student ineligible because the student did not have the
 422 opportunity to comply with qualifying requirements.

423 Section 4. Subsection (1) and paragraphs (a), (b), (c), and
 424 (g) of subsection (2) of section 1006.20, Florida Statutes, are
 425 amended to read:

426 1006.20 Athletics in public K-12 schools.—

427 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
 428 School Athletic Association (FHSAA) is designated as the
 429 governing nonprofit organization of athletics in Florida public
 430 schools. If the FHSAA fails to meet the provisions of this
 431 section, the commissioner shall designate a nonprofit
 432 organization to govern athletics with the approval of the State
 433 Board of Education. The FHSAA is not a state agency as defined
 434 in s. 120.52. The FHSAA shall be subject to the provisions of s.
 435 1006.19. A private school that wishes to engage in high school
 436 athletic competition with a public high school may become a
 437 member of the FHSAA. Any high school in the state, including

Page 15 of 25

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581-02157-16

2016684c1

438 charter schools, virtual schools, and home education
 439 cooperatives, may become a member of the FHSAA and participate
 440 in the activities of the FHSAA. However, membership in the FHSAA
 441 is not mandatory for any school. The FHSAA must allow a private
 442 school the option of maintaining full membership in the
 443 association or joining by sport and may not discourage a private
 444 school from simultaneously maintaining membership in another
 445 athletic association. The FHSAA may allow a public school the
 446 option to apply for consideration to join another athletic
 447 association. The FHSAA may not deny or discourage
 448 interscholastic competition between its member schools and non-
 449 FHSAA member Florida schools, including members of another
 450 athletic governing organization, and may not take any
 451 retributory or discriminatory action against any of its member
 452 schools that participate in interscholastic competition with
 453 non-FHSAA member Florida schools. The FHSAA may not unreasonably
 454 withhold its approval of an application to become an affiliate
 455 member of the National Federation of State High School
 456 Associations submitted by any other organization that governs
 457 interscholastic athletic competition in this state. The bylaws
 458 of the FHSAA are the rules by which high school athletic
 459 programs in its member schools, and the students who participate
 460 in them, are governed, unless otherwise specifically provided by
 461 statute. For the purposes of this section, "high school"
 462 includes grades 6 through 12.

463 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

464 (a) The FHSAA shall adopt bylaws that, unless specifically
 465 provided by statute, establish eligibility requirements for all
 466 students who participate in high school athletic competition in

Page 16 of 25

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581-02157-16

2016684c1

467 its member schools. The bylaws governing residence and transfer
 468 shall allow the student to be immediately eligible in the school
 469 in which he or she first enrolls each school year or the school
 470 in which the student makes himself or herself a candidate for an
 471 athletic team by engaging in a practice prior to enrolling in
 472 the school. The bylaws shall also allow the student to be
 473 immediately eligible in the school to which the student has
 474 transferred ~~during the school year if the transfer is made by a~~
 475 ~~deadline established by the FHSAA, which may not be prior to the~~
 476 ~~date authorized for the beginning of practice for the sport.~~
 477 ~~These transfers shall be allowed pursuant to the district school~~
 478 ~~board policies in the case of transfer to a public school or~~
 479 ~~pursuant to the private school policies in the case of transfer~~
 480 ~~to a private school.~~ The student shall be eligible in that
 481 school so long as he or she remains enrolled in that school.
 482 Subsequent eligibility shall be determined and enforced through
 483 the FHSAA's bylaws. Requirements governing eligibility and
 484 transfer between member schools shall be applied similarly to
 485 public school students and private school students.

486 (b) The FHSAA shall adopt bylaws that specifically prohibit
 487 the recruiting of students for athletic purposes. The bylaws
 488 shall prescribe penalties and an appeals process for athletic
 489 recruiting violations.

490 1. If it is determined that a school has recruited a
 491 student in violation of FHSAA bylaws, the FHSAA may require the
 492 school to participate in a higher classification for the sport
 493 in which the recruited student competes for a minimum of one
 494 classification cycle, in addition to the penalties in
 495 subparagraphs 2. and 3., and any other appropriate fine or and

Page 17 of 25

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581-02157-16

2016684c1

496 sanction imposed on the school, its coaches, or adult
 497 representatives who violate recruiting rules.

498 2. Any recruitment by a school district employee or
 499 contractor in violation of FHSAA bylaws results in escalating
 500 punishments as follows:

501 a. For a first offense, a \$5,000 forfeiture of pay for the
 502 school district employee or contractor who committed the
 503 violation.

504 b. For a second offense, suspension without pay for 12
 505 months from coaching, directing, or advertising an
 506 extracurricular activity and a \$5,000 forfeiture of pay for the
 507 school district employee or contractor who committed the
 508 violation.

509 c. For a third offense, a \$5,000 forfeiture of pay for the
 510 school district employee or contractor who committed the
 511 violation. If the individual who committed the violation holds
 512 an educator certificate, the FHSAA shall also refer the
 513 violation to the department for review pursuant to s. 1012.796
 514 to determine whether probable cause exists, and, if there is a
 515 finding of probable cause, the commissioner shall file a formal
 516 complaint against the individual. If the complaint is upheld,
 517 the individual's educator certificate shall be revoked for 3
 518 years, in addition to any penalties available under s. 1012.796.
 519 Additionally, the department shall revoke any adjunct teaching
 520 certificates issued pursuant to s. 1012.57 and all permissions
 521 under ss. 1012.39 and 1012.43, and the educator is ineligible
 522 for such certificates or permissions for a period of time equal
 523 to the period of revocation of his or her state-issued
 524 certificate.

Page 18 of 25

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581-02157-16

2016684c1

525 3. Notwithstanding any other provision of law, a school
 526 shall forfeit every competition in which a student participated
 527 who was recruited by an adult who is not a school district
 528 employee or contractor in violation of FHSAA bylaws.

529 4. A student may not be declared ineligible based on
 530 violation of recruiting rules unless the student or parent has
 531 falsified any enrollment or eligibility document or accepted any
 532 benefit ~~or any promise of benefit~~ if such benefit is not
 533 generally available to the school's students or family members
 534 or is based in any way on athletic interest, potential, or
 535 performance.

536 (c) The FHSAA shall adopt bylaws that require all students
 537 participating in interscholastic athletic competition or who are
 538 candidates for an interscholastic athletic team to
 539 satisfactorily pass a medical evaluation each year prior to
 540 participating in interscholastic athletic competition or
 541 engaging in any practice, tryout, workout, or other physical
 542 activity associated with the student's candidacy for an
 543 interscholastic athletic team. Such medical evaluation may be
 544 administered only by a practitioner licensed under chapter 458,
 545 chapter 459, chapter 460, or s. 464.012, and in good standing
 546 with the practitioner's regulatory board. The bylaws shall
 547 establish requirements for eliciting a student's medical history
 548 and performing the medical evaluation required under this
 549 paragraph, which shall include a physical assessment of the
 550 student's physical capabilities to participate in
 551 interscholastic athletic competition as contained in a uniform
 552 preparticipation physical evaluation and history form. The
 553 evaluation form shall incorporate the recommendations of the

Page 19 of 25

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581-02157-16

2016684c1

554 American Heart Association for participation cardiovascular
 555 screening and shall provide a place for the signature of the
 556 practitioner performing the evaluation with an attestation that
 557 each examination procedure listed on the form was performed by
 558 the practitioner or by someone under the direct supervision of
 559 the practitioner. The form shall also contain a place for the
 560 practitioner to indicate if a referral to another practitioner
 561 was made in lieu of completion of a certain examination
 562 procedure. The form shall provide a place for the practitioner
 563 to whom the student was referred to complete the remaining
 564 sections and attest to that portion of the examination. The
 565 preparticipation physical evaluation form shall advise students
 566 to complete a cardiovascular assessment and shall include
 567 information concerning alternative cardiovascular evaluation and
 568 diagnostic tests. Results of such medical evaluation must be
 569 provided to the school. A student is not ~~No student shall be~~
 570 eligible to participate, as provided in s. 1006.15(3), in any
 571 interscholastic athletic competition or engage in any practice,
 572 tryout, workout, or other physical activity associated with the
 573 student's candidacy for an interscholastic athletic team until
 574 the results of the medical evaluation have been received and
 575 approved by the school.

576 (g) The FHSAA shall adopt bylaws establishing the process
 577 and standards by which FHSAA determinations of eligibility are
 578 made. Such bylaws shall provide that:

579 1. Ineligibility must be established by a preponderance of
 580 the clear and convincing evidence;

581 2. Student athletes, parents, and schools must have notice
 582 of the initiation of any investigation or other inquiry into

Page 20 of 25

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581-02157-16 2016684c1

583 eligibility and may present, to the investigator and to the
584 individual making the eligibility determination, any information
585 or evidence that is credible, persuasive, and of a kind
586 reasonably prudent persons rely upon in the conduct of serious
587 affairs;

588 3. An investigator may not determine matters of eligibility
589 but must submit information and evidence to the executive
590 director or a person designated by the executive director or by
591 the board of directors for an unbiased and objective
592 determination of eligibility; and

593 4. A determination of ineligibility must be made in
594 writing, setting forth the findings of fact and specific
595 violation upon which the decision is based.

596 Section 5. Paragraph (o) is added to subsection (1) of
597 section 1012.795, Florida Statutes, and subsection (5) of that
598 section is amended, to read:

599 1012.795 Education Practices Commission; authority to
600 discipline.—

601 (1) The Education Practices Commission may suspend the
602 educator certificate of any person as defined in s. 1012.01(2)
603 or (3) for up to 5 years, thereby denying that person the right
604 to teach or otherwise be employed by a district school board or
605 public school in any capacity requiring direct contact with
606 students for that period of time, after which the holder may
607 return to teaching as provided in subsection (4); may revoke the
608 educator certificate of any person, thereby denying that person
609 the right to teach or otherwise be employed by a district school
610 board or public school in any capacity requiring direct contact
611 with students for up to 10 years, with reinstatement subject to

581-02157-16 2016684c1

612 the provisions of subsection (4); may revoke permanently the
613 educator certificate of any person thereby denying that person
614 the right to teach or otherwise be employed by a district school
615 board or public school in any capacity requiring direct contact
616 with students; may suspend the educator certificate, upon an
617 order of the court or notice by the Department of Revenue
618 relating to the payment of child support; or may impose any
619 other penalty provided by law, if the person:

620 (o) Has committed a third recruiting offense as determined
621 by the Florida High School Athletic Association (FHSAA) pursuant
622 to s. 1006.20(2)(b).

623 (5) Each district school superintendent and the governing
624 authority of each university lab school, state-supported school,
625 ~~or~~ private school, and the FHSAA shall report to the department
626 the name of any person certified pursuant to this chapter or
627 employed and qualified pursuant to s. 1012.39:

628 (a) Who has been convicted of, or who has pled nolo
629 contendere to, a misdemeanor, felony, or any other criminal
630 charge, other than a minor traffic infraction;

631 (b) Who that official has reason to believe has committed
632 or is found to have committed any act which would be a ground
633 for revocation or suspension under subsection (1); or

634 (c) Who has been dismissed or severed from employment
635 because of conduct involving any immoral, unnatural, or
636 lascivious act.

637 Section 6. Subsections (3) and (7) of section 1012.796,
638 Florida Statutes, are amended to read:

639 1012.796 Complaints against teachers and administrators;
640 procedure; penalties.—

581-02157-16

2016684c1

641 (3) The department staff shall advise the commissioner
 642 concerning the findings of the investigation and of all
 643 referrals by the Florida High School Athletic Association
 644 (FHSAA) pursuant to ss. 1006.20(2)(b) and 1012.795. The
 645 department general counsel or members of that staff shall review
 646 the investigation or the referral and advise the commissioner
 647 concerning probable cause or lack thereof. The determination of
 648 probable cause shall be made by the commissioner. The
 649 commissioner shall provide an opportunity for a conference, if
 650 requested, prior to determining probable cause. The commissioner
 651 may enter into deferred prosecution agreements in lieu of
 652 finding probable cause if, in his or her judgment, such
 653 agreements are in the best interests of the department, the
 654 certificateholder, and the public. Such deferred prosecution
 655 agreements shall become effective when filed with the clerk of
 656 the Education Practices Commission. However, a deferred
 657 prosecution agreement shall not be entered into if there is
 658 probable cause to believe that a felony or an act of moral
 659 turpitude, as defined by rule of the State Board of Education,
 660 has occurred, or for referrals by the FHSAA. Upon finding no
 661 probable cause, the commissioner shall dismiss the complaint.
 662 (7) A panel of the commission shall enter a final order
 663 either dismissing the complaint or imposing one or more of the
 664 following penalties:
 665 (a) Denial of an application for a teaching certificate or
 666 for an administrative or supervisory endorsement on a teaching
 667 certificate. The denial may provide that the applicant may not
 668 reapply for certification, and that the department may refuse to
 669 consider that applicant's application, for a specified period of

Page 23 of 25

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581-02157-16

2016684c1

670 time or permanently.
 671 (b) Revocation or suspension of a certificate.
 672 (c) Imposition of an administrative fine not to exceed
 673 \$2,000 for each count or separate offense.
 674 (d) Placement of the teacher, administrator, or supervisor
 675 on probation for a period of time and subject to such conditions
 676 as the commission may specify, including requiring the certified
 677 teacher, administrator, or supervisor to complete additional
 678 appropriate college courses or work with another certified
 679 educator, with the administrative costs of monitoring the
 680 probation assessed to the educator placed on probation. An
 681 educator who has been placed on probation shall, at a minimum:
 682 1. Immediately notify the investigative office in the
 683 Department of Education upon employment or termination of
 684 employment in the state in any public or private position
 685 requiring a Florida educator's certificate.
 686 2. Have his or her immediate supervisor submit annual
 687 performance reports to the investigative office in the
 688 Department of Education.
 689 3. Pay to the commission within the first 6 months of each
 690 probation year the administrative costs of monitoring probation
 691 assessed to the educator.
 692 4. Violate no law and shall fully comply with all district
 693 school board policies, school rules, and State Board of
 694 Education rules.
 695 5. Satisfactorily perform his or her assigned duties in a
 696 competent, professional manner.
 697 6. Bear all costs of complying with the terms of a final
 698 order entered by the commission.

Page 24 of 25

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

581-02157-16

2016684c1

699 (e) Restriction of the authorized scope of practice of the
700 teacher, administrator, or supervisor.

701 (f) Reprimand of the teacher, administrator, or supervisor
702 in writing, with a copy to be placed in the certification file
703 of such person.

704 (g) Imposition of an administrative sanction, upon a person
705 whose teaching certificate has expired, for an act or acts
706 committed while that person possessed a teaching certificate or
707 an expired certificate subject to late renewal, which sanction
708 bars that person from applying for a new certificate for a
709 period of 10 years or less, or permanently.

710 (h) Refer the teacher, administrator, or supervisor to the
711 recovery network program provided in s. 1012.798 under such
712 terms and conditions as the commission may specify.

713

714 The penalties imposed under this subsection are in addition to,
715 and not in lieu of, the penalties required for a third
716 recruiting offense pursuant to s. 1006.20(2)(b).

717 Section 7. This act shall take effect July 1, 2016.



513366

LEGISLATIVE ACTION

| Senate | . | House |
|------------|---|-------|
| Comm: FAV | . | |
| 01/27/2016 | . | |
| | . | |
| | . | |
| | . | |

Appropriations Subcommittee on Education (Gaetz) recommended the following:

Senate Amendment

Delete lines 134 - 146
and insert:
whose child is not subject to a current expulsion or suspension
order to enroll his or her child in and transport his or her
child to any public school that has not reached capacity in the
district, subject to the maximum class size pursuant to s.
1003.03 and s. 1, Art. IX of the State Constitution. The school
district shall accept the student, pursuant to that school



513366

11 district's controlled open enrollment participation process, and
12 report the student for purposes of the school district's funding
13 pursuant to the Florida Education Finance Program. A school
14 district may provide transportation to students described under
15 this subsection at the district school board's discretion.

16 (b) Each charter school governing board shall allow a
17 parent whose child is not subject to a current expulsion or
18 suspension order



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Higher Education, *Chair*
Appropriations Subcommittee on Education
Fiscal Policy
Judiciary
Military and Veterans Affairs, Space, and Domestic
Security
Regulated Industries

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR KELLI STARGEL
15th District

January 15, 2016

The Honorable Don Gaetz
Senate Appropriations Subcommittee on Education, Chair
420 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chair Gaetz:

I respectfully request that SB 684, related to *Choice in Sports*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kelli Stargel".

Kelli Stargel
State Senator, District 15

Cc: Tim Elwell/ Staff Director
JoAnne Bennett/ AA

REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803
- 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5015

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

APPEARANCE RECORD

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

1-25-16

Meeting Date

684
Bill Number (if applicable)

Topic Choice in Sports

Amendment Barcode (if applicable)

Name Natalie King

Job Title VP

Address 235 W @ Brandon Blvd 646

Phone 813 924 2212

Street Brandon

City FL State 33511 Zip

Email Natalie.King@cs.com

Speaking: For Against Information

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

Representing Sunshine State Athletes Conference

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

APPEARANCE RECORD

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

1.25.16

Meeting Date

✓
684

Bill Number (if applicable)

Topic School Choice

Amendment Barcode (if applicable)

Name Debbie Mortham

Job Title Legislative Director

Address 215 S. Monroe St.

Phone 251-2278

Street

Tallahassee FL 32311

City

State

Zip

Email debbie@excalined.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
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 1166

INTRODUCER: Senator Gaetz

SUBJECT: Education Funding

DATE: January 17, 2016

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|--------------|----------------|------------|--------------------|
| 1. | <u>Sikes</u> | <u>Elwell</u> | <u>AED</u> | <u>Pre-meeting</u> |
| 2. | _____ | _____ | <u>AP</u> | _____ |

I. Summary:

SB 1166 authorizes the Florida Department of Education to recalculate the Exceptional Student Education (ESE) Guaranteed Allocation for each school district based on the district's actual student full-time equivalent (FTE) as determined by the October FTE survey.

The bill has no impact on state funds. However, individual school districts may experience an increase or decrease in their ESE Guaranteed Allocation based on the results of the October FTE survey.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

In order to provide exceptional education and related services, an Exceptional Student Education (ESE) Guaranteed Allocation was established by the Legislature to provide funding through the Florida Education Finance Program (FEFP) in addition to the basic program funding.¹ This allocation is a lump sum that is derived from the number of full-time equivalent (FTE) students and the cost factors associated with the matrix of services (matrix) to document the services that each student with an exceptionality will receive.²

The Florida Department of Education (DOE) developed the Matrix of Services Handbook to provide districts, schools and teachers with information about the matrix required for selected

¹ Florida Department of Education, *Matrix of Services Handbook* available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf>

² Section 1011.62 (1)(e)1.a., F.S.

students with exceptionalities.³ The matrix is designed with five levels in each of the following five domain areas:⁴

- Curriculum and Learning Environment: This domain addresses services provided to the student in the areas of curriculum, instructional strategies and learning environment.
- Social or Emotional Behavior: This domain includes services provided to meet identified social and emotional needs of students with exceptionalities, such as positive behavioral supports, behavioral interventions, social skills development, socialization and counseling as a related service.
- Independent Functioning: This domain includes services that are necessary for the independent functioning of students with exceptionalities, such as instruction in organizational strategies, assistance for activities of daily living and self-care, physical therapy, occupational therapy, orientation and mobility training and supervision of students to ensure physical safety
- Health Care: This domain addresses services provided to students with exceptionalities who have health care needs. Included in this domain are services related to monitoring and assessment of health conditions, provision of related health care services and interagency collaboration.
- Communication: This domain includes services provided to support the communication needs of students with exceptionalities. Services included in this domain are personal assistance, instructional interventions, speech or language therapy and the use of alternative and augmentative communication systems.

A student is evaluated within each of these five domains to determine the appropriate level of service the student requires. Level 1 represents the lowest level of service and Level 5 represents the highest level of service.⁵ The frequency and intensity of the service and the qualifications of personnel required to provide the service are critical factors that impact the determination of the appropriate level of service for the student.⁶

The ESE Guaranteed Allocation was established in 2000 in conjunction with the elimination of the mandatory requirement for the determination of a matrix of services for Levels 1 through 3 ESE students. ESE services for students whose level of service is Levels 1 through 3 are funded through the ESE Guaranteed Allocation.⁷ These students generate student full-time equivalent (FTE) funding using the appropriate basic program cost factor for their grade level.⁸ The ESE Guaranteed Allocation provides for the additional services needed for these exceptional students.⁹ For the 2015-2016 fiscal year, the average ESE Guaranteed Allocation funding per FTE is

³ Florida Department of Education, *Matrix of Services Handbook* available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf>

⁴*Id.*

⁵ *Id.*

⁶ *Id.*

⁷ Florida Department of Education, *2015-16 Funding for Florida School Districts* available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>

⁸ The basic program cost factors are as follows:

- For grades K-3, the cost factor is 1.115
- For grades 4-8, the cost factor is 1.000
- For grades 9-12, the cost factor is 1.005

⁹ Florida Department of Education, *2015-16 Funding for Florida School Districts* available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>

\$2,007.¹⁰ Students whose level of service is Level 4 or 5 do not receive funds from the ESE Guaranteed Allocation, but instead generate weighted funding using a higher program cost factor which provides for both their education program and their exceptional services.¹¹

For the 2015-2016 fiscal year, \$959,182,058 was appropriated within the FEFP for the ESE Guaranteed Allocation.¹² The allocation for each district is calculated once based on projected ESE and total FTE enrollment and is not recalculated during the school year.¹³ Since the allocation is not recalculated, a school district that overestimates its ESE FTE keeps the additional funds. A school district that underestimates their ESE FTE does not receive additional funds to support its ESE student population.

III. Effect of Proposed Changes:

SB 1166 authorizes the Florida Department of Education (DOE) to recalculate the Exceptional Student Education (ESE) Guaranteed Allocation for each school district. The ESE Guaranteed Allocation will be calculated initially in the General Appropriations Act, and recalculated based on each school district's actual ESE and total full-time equivalent (FTE) enrollment as determined by the October FTE survey. This recalculation will ensure school districts receive their appropriate share of the ESE Guaranteed Allocation based on actual enrollment rather than projected enrollment.

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.

¹⁰ Florida Legislature, Conference Report on SB 2500-A, *Public School Funding: The Florida Education Finance Program (FEFP)* available at

http://flsenate.gov/PublishedContent/Session/2015A/Appropriations/Documents/FEFP_Conference_Report.pdf

¹¹ The 2015-2016 Level 4 cost factor is 3.613 and the Level 5 cost factor is 5.258.

¹² Florida Legislature, Conference Report on SB 2500-A, *Public School Funding: The Florida Education Finance Program (FEFP)* available at

http://flsenate.gov/PublishedContent/Session/2015A/Appropriations/Documents/FEFP_Conference_Report.pdf

¹³ Section 1011.62 (1)(e)2, F.S.

B. Private Sector Impact:

C. Government Sector Impact:

The bill has no impact on state funds. However, individual school districts may experience an increase or decrease in their ESE Guaranteed Allocation based on the results of the October FTE survey.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 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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LEGISLATIVE ACTION

Senate

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. .

House

Appropriations Subcommittee on Education (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1001.67, Florida Statutes, is created to
read:

1001.67 Distinguished Florida College System Program.—A
collaborative partnership is established between the State Board
of Education and the Legislature to recognize the excellence of
Florida’s highest-performing Florida College system



515338

11 institutions.

12 (1) EXCELLENCE STANDARDS.—The following excellence
13 standards are established for the program:

14 (a) A 150 percent-of-normal-time completion rate of 50
15 percent or higher, as calculated by the Division of Florida
16 Colleges.

17 (b) A 150 percent-of-normal-time completion rate for Pell
18 Grant recipients of 40 percent or higher, as calculated by the
19 Division of Florida Colleges.

20 (c) A retention rate of 70 percent or higher, as calculated
21 by the Division of Florida Colleges.

22 (d) A continuing education, or transfer, rate of 72 percent
23 or higher for students graduating with an associate of arts
24 degree, as reported by the Florida Education and Training
25 Placement Information Program (FETPIP).

26 (e) A licensure passage rate on the National Council
27 Licensure Examination for Registered Nurses (NCLEX-RN) of 90
28 percent or higher for first-time exam takers, as reported by the
29 Board of Nursing.

30 (f) A job placement or continuing education rate of 88
31 percent or higher for workforce programs, as reported by FETPIP.

32 (g) A time-to-degree for students graduating with an
33 associate of arts degree of 2.25 years or less for first-time-
34 in-college students with accelerated college credits, as
35 reported by the Southern Regional Education Board.

36 (2) DISTINGUISHED COLLEGE DESIGNATION.—The State Board of
37 Education shall designate each Florida College System
38 institution that meets five of the seven standards identified in
39 subsection (1) as a distinguished college.



515338

40 (3) DISTINGUISHED COLLEGE SUPPORT.—A Florida College System
41 institution designated as a distinguished college by the State
42 Board of Education is eligible for funding as specified in the
43 General Appropriations Act.

44 Section 2. Effective June 29, 2016, section 1004.935,
45 Florida Statutes, is amended to read:

46 1004.935 Adults with Disabilities Workforce Education ~~Pilot~~
47 Program.—

48 (1) The Adults with Disabilities Workforce Education ~~Pilot~~
49 Program is established in the Department of Education ~~through~~
50 ~~June 30, 2016,~~ in Hardee, DeSoto, Manatee, and Sarasota Counties
51 to provide the option of receiving a scholarship for instruction
52 at private schools for up to 30 students who:

53 (a) Have a disability;

54 (b) Are 22 years of age;

55 (c) Are receiving instruction from an instructor in a
56 private school to meet the high school graduation requirements
57 in s. 1002.3105(5) or s. 1003.4282;

58 (d) Do not have a standard high school diploma or a special
59 high school diploma; and

60 (e) Receive "supported employment services," which means
61 employment that is located or provided in an integrated work
62 setting with earnings paid on a commensurate wage basis and for
63 which continued support is needed for job maintenance.

64
65 As used in this section, the term "student with a disability"
66 includes a student who is documented as having an intellectual
67 disability; a speech impairment; a language impairment; a
68 hearing impairment, including deafness; a visual impairment,



515338

69 including blindness; a dual sensory impairment; an orthopedic
70 impairment; another health impairment; an emotional or
71 behavioral disability; a specific learning disability,
72 including, but not limited to, dyslexia, dyscalculia, or
73 developmental aphasia; a traumatic brain injury; a developmental
74 delay; or autism spectrum disorder.

75 (2) A student participating in the ~~pilot~~ program may
76 continue to participate in the program until the student
77 graduates from high school or reaches the age of 40 years,
78 whichever occurs first.

79 (3) Supported employment services may be provided at more
80 than one site.

81 (4) The provider of supported employment services must be a
82 nonprofit corporation under s. 501(c)(3) of the Internal Revenue
83 Code which serves Hardee County, DeSoto County, Manatee County,
84 or Sarasota County and must contract with a private school in
85 this state which meets the requirements in subsection (5).

86 (5) A private school that participates in the ~~pilot~~ program
87 may be sectarian or nonsectarian and must:

88 (a) Be academically accountable for meeting the educational
89 needs of the student by annually providing to the provider of
90 supported employment services a written explanation of the
91 student's progress.

92 (b) Comply with the antidiscrimination provisions of 42
93 U.S.C. s. 2000d.

94 (c) Meet state and local health and safety laws and codes.

95 (d) Provide to the provider of supported employment
96 services all documentation required for a student's
97 participation, including the private school's and student's fee



515338

98 schedules, at least 30 days before any quarterly scholarship
99 payment is made for the student. A student is not eligible to
100 receive a quarterly scholarship payment if the private school
101 fails to meet this deadline.

102

103 The inability of a private school to meet the requirements of
104 this subsection constitutes a basis for the ineligibility of the
105 private school to participate in the ~~pilot~~ program.

106 (6) (a) If the student chooses to participate in the ~~pilot~~
107 program and is accepted by the provider of supported employment
108 services, the student must notify the Department of Education of
109 his or her acceptance into the program 60 days before the first
110 scholarship payment and before participating in the ~~pilot~~
111 program in order to be eligible for the scholarship.

112 (b) Upon receipt of a scholarship warrant, the student or
113 parent to whom the warrant is made must restrictively endorse
114 the warrant to the provider of supported employment services for
115 deposit into the account of the provider. The student or parent
116 may not designate any entity or individual associated with the
117 participating provider of supported employment services as the
118 student's or parent's attorney in fact to endorse a scholarship
119 warrant. A participant who fails to comply with this paragraph
120 forfeits the scholarship.

121 (7) Funds for the scholarship shall be provided from the
122 appropriation from the school district's Workforce Development
123 Fund in the General Appropriations Act for students who reside
124 in the Hardee County School District, the DeSoto County School
125 District, the Manatee County School District, or the Sarasota
126 County School District. ~~During the pilot program,~~ The



127 scholarship amount granted for an eligible student with a
128 disability shall be equal to the cost per unit of a full-time
129 equivalent adult general education student, multiplied by the
130 adult general education funding factor, and multiplied by the
131 district cost differential pursuant to the formula required by
132 s. 1011.80(6)(a) for the district in which the student resides.

133 (8) Upon notification by the Department of Education that
134 it has received the required documentation, the Chief Financial
135 Officer shall make scholarship payments in four equal amounts no
136 later than September 1, November 1, February 1, and April 1 of
137 each academic year in which the scholarship is in force. The
138 initial payment shall be made after the Department of Education
139 verifies that the student was accepted into the ~~pilot~~ program,
140 and subsequent payments shall be made upon verification of
141 continued participation in the ~~pilot~~ program. Payment must be by
142 individual warrant made payable to the student or parent and
143 mailed by the Department of Education to the provider of
144 supported employment services, and the student or parent shall
145 restrictively endorse the warrant to the provider of supported
146 employment services for deposit into the account of that
147 provider.

148 (9) Subsequent to each scholarship payment, the Department
149 of Education shall request from the Department of Financial
150 Services a sample of endorsed warrants to review and confirm
151 compliance with endorsement requirements.

152 Section 3. Effective July 1, 2016, and upon the expiration
153 of the amendment to section 1011.62, Florida Statutes, made by
154 chapter 2015-222, Laws of Florida, paragraphs (e) and (o) of
155 subsection (1), paragraph (a) of subsection (4), and present



515338

156 subsection (13) of that section are amended, present subsections
157 (13), (14), and (15) of that section are redesignated as
158 subsections (14), (15), and (16), respectively, and a new
159 subsection (13) is added to that section, to read:

160 1011.62 Funds for operation of schools.—If the annual
161 allocation from the Florida Education Finance Program to each
162 district for operation of schools is not determined in the
163 annual appropriations act or the substantive bill implementing
164 the annual appropriations act, it shall be determined as
165 follows:

166 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
167 OPERATION.—The following procedure shall be followed in
168 determining the annual allocation to each district for
169 operation:

170 (e) *Funding model for exceptional student education*
171 *programs.*—

172 1.a. The funding model uses basic, at-risk, support levels
173 IV and V for exceptional students and career Florida Education
174 Finance Program cost factors, and a guaranteed allocation for
175 exceptional student education programs. Exceptional education
176 cost factors are determined by using a matrix of services to
177 document the services that each exceptional student will
178 receive. The nature and intensity of the services indicated on
179 the matrix shall be consistent with the services described in
180 each exceptional student's individual educational plan. The
181 Department of Education shall review and revise the descriptions
182 of the services and supports included in the matrix of services
183 for exceptional students and shall implement those revisions
184 before the beginning of the 2012-2013 school year.



515338

185 b. In order to generate funds using one of the two weighted
186 cost factors, a matrix of services must be completed at the time
187 of the student's initial placement into an exceptional student
188 education program and at least once every 3 years by personnel
189 who have received approved training. Nothing listed in the
190 matrix shall be construed as limiting the services a school
191 district must provide in order to ensure that exceptional
192 students are provided a free, appropriate public education.

193 c. Students identified as exceptional, in accordance with
194 chapter 6A-6, Florida Administrative Code, who do not have a
195 matrix of services as specified in sub-subparagraph b. shall
196 generate funds on the basis of full-time-equivalent student
197 membership in the Florida Education Finance Program at the same
198 funding level per student as provided for basic students.
199 Additional funds for these exceptional students will be provided
200 through the guaranteed allocation designated in subparagraph 2.

201 2. For students identified as exceptional who do not have a
202 matrix of services and students who are gifted in grades K
203 through 8, there is created a guaranteed allocation to provide
204 these students with a free appropriate public education, in
205 accordance with s. 1001.42(4)(1) and rules of the State Board of
206 Education, which shall be allocated initially ~~annually~~ to each
207 school district in the amount provided in the General
208 Appropriations Act. These funds shall be supplemental ~~in~~
209 ~~addition~~ to the funds appropriated for the basic funding level
210 ~~on the basis of FTE student membership in the Florida Education~~
211 ~~Finance Program~~, and the amount allocated for each school
212 district shall ~~not~~ be recalculated once during the year, based
213 on actual student membership from the October FTE survey. Upon



515338

214 recalculation, if the generated allocation is greater than the
215 amount provided in the General Appropriations Act, the total
216 shall be prorated to the level of the appropriation based on
217 each district's share of the total recalculated amount. These
218 funds shall be used to provide special education and related
219 services for exceptional students and students who are gifted in
220 grades K through 8. ~~Beginning with the 2007-2008 fiscal year,~~ A
221 district's expenditure of funds from the guaranteed allocation
222 for students in grades 9 through 12 who are gifted may not be
223 greater than the amount expended during the 2006-2007 fiscal
224 year for gifted students in grades 9 through 12.

225 (o) *Calculation of additional full-time equivalent*
226 *membership based on successful completion of a career-themed*
227 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
228 *courses with embedded CAPE industry certifications or CAPE*
229 *Digital Tool certificates, and issuance of industry*
230 *certification identified on the CAPE Industry Certification*
231 *Funding List pursuant to rules adopted by the State Board of*
232 *Education or CAPE Digital Tool certificates pursuant to s.*
233 *1003.4203.—*

234 1.a. A value of 0.025 full-time equivalent student
235 membership shall be calculated for CAPE Digital Tool
236 certificates earned by students in elementary and middle school
237 grades.

238 b. A value of 0.1 or 0.2 full-time equivalent student
239 membership shall be calculated for each student who completes a
240 course as defined in s. 1003.493(1)(b) or courses with embedded
241 CAPE industry certifications and who is issued an industry
242 certification identified annually on the CAPE Industry



515338

243 Certification Funding List approved under rules adopted by the
244 State Board of Education. A value of 0.2 full-time equivalent
245 membership shall be calculated for each student who is issued a
246 CAPE industry certification that has a statewide articulation
247 agreement for college credit approved by the State Board of
248 Education. For CAPE industry certifications that do not
249 articulate for college credit, the Department of Education shall
250 assign a full-time equivalent value of 0.1 for each
251 certification. Middle grades students who earn additional FTE
252 membership for a CAPE Digital Tool certificate pursuant to sub-
253 subparagraph a. may not use the previously funded examination to
254 satisfy the requirements for earning an industry certification
255 under this sub-subparagraph. Additional FTE membership for an
256 elementary or middle grades student may ~~shall~~ not exceed 0.1 for
257 certificates or certifications earned within the same fiscal
258 year. The State Board of Education shall include the assigned
259 values on the CAPE Industry Certification Funding List under
260 rules adopted by the state board. Such value shall be added to
261 the total full-time equivalent student membership for grades 6
262 through 12 in the subsequent year ~~for courses that were not~~
263 ~~provided through dual enrollment~~. CAPE industry certifications
264 earned through dual enrollment must be reported and funded
265 pursuant to s. 1011.80. However, if a student earns a
266 certification through a dual enrollment course and the
267 certification is not a fundable certification on the
268 postsecondary certification funding list, or the dual enrollment
269 certification is earned as a result of an agreement between a
270 school district and a nonpublic postsecondary institution, the
271 bonus value shall be funded in the same manner as other nondual



515338

272 enrollment course industry certifications. In such cases, the
273 school district may provide for an agreement between the high
274 school and the technical center, or the school district and the
275 postsecondary institution may enter into an agreement for
276 equitable distribution of the bonus funds.

277 c. A value of 0.3 full-time equivalent student membership
278 shall be calculated for student completion of the courses and
279 the embedded certifications identified on the CAPE Industry
280 Certification Funding List and approved by the commissioner
281 pursuant to ss. 1003.4203(5) (a) and 1008.44.

282 d. A value of 0.5 full-time equivalent student membership
283 shall be calculated for CAPE Acceleration Industry
284 Certifications that articulate for 15 to 29 college credit
285 hours, and 1.0 full-time equivalent student membership shall be
286 calculated for CAPE Acceleration Industry Certifications that
287 articulate for 30 or more college credit hours pursuant to CAPE
288 Acceleration Industry Certifications approved by the
289 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

290 2. Each district must allocate at least 80 percent of the
291 funds provided for CAPE industry certification, in accordance
292 with this paragraph, to the program that generated the funds.
293 This allocation may not be used to supplant funds provided for
294 basic operation of the program.

295 3. For CAPE industry certifications earned in the 2013-2014
296 school year and in subsequent years, the school district shall
297 distribute to each classroom teacher who provided direct
298 instruction toward the attainment of a CAPE industry
299 certification that qualified for additional full-time equivalent
300 membership under subparagraph 1.:



515338

301 a. A bonus ~~in the amount~~ of \$25 for each student taught by
302 a teacher who provided instruction in a course that led to the
303 attainment of a CAPE industry certification on the CAPE Industry
304 Certification Funding List with a weight of 0.1.

305 b. A bonus ~~in the amount~~ of \$50 for each student taught by
306 a teacher who provided instruction in a course that led to the
307 attainment of a CAPE industry certification on the CAPE Industry
308 Certification Funding List with a weight of 0.2, ~~0.3, 0.5, and~~
309 ~~1.0~~.

310 c. A bonus of \$75 for each student taught by a teacher who
311 provided instruction in a course that led to the attainment of a
312 CAPE industry certification on the CAPE Industry Certification
313 Funding List with a weight of 0.3.

314 d. A bonus of \$100 for each student taught by a teacher who
315 provided instruction in a course that led to the attainment of a
316 CAPE industry certification on the CAPE Industry Certification
317 Funding List with a weight of 0.5 or 1.0.

318
319 Bonuses awarded pursuant to this paragraph shall be provided to
320 teachers who are employed by the district in the year in which
321 the additional FTE membership calculation is included in the
322 calculation. Bonuses shall be calculated based upon the
323 associated weight of a CAPE industry certification on the CAPE
324 Industry Certification Funding List for the year in which the
325 certification is earned by the student. Any bonus awarded to a
326 teacher under this paragraph ~~may not exceed \$2,000 in any given~~
327 ~~school year and~~ is in addition to any regular wage or other
328 bonus the teacher received or is scheduled to receive.

329 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The



515338

330 Legislature shall prescribe the aggregate required local effort
331 for all school districts collectively as an item in the General
332 Appropriations Act for each fiscal year. The amount that each
333 district shall provide annually toward the cost of the Florida
334 Education Finance Program for kindergarten through grade 12
335 programs shall be calculated as follows:

336 (a) *Estimated taxable value calculations.*—

337 1.a. Not later than 2 working days before ~~prior to~~ July 19,
338 the Department of Revenue shall certify to the Commissioner of
339 Education its most recent estimate of the taxable value for
340 school purposes in each school district and the total for all
341 school districts in the state for the current calendar year
342 based on the latest available data obtained from the local
343 property appraisers. The value certified shall be the taxable
344 value for school purposes for that year, and no further
345 adjustments shall be made, except those made pursuant to
346 paragraphs (c) and (d), or an assessment roll change required by
347 final judicial decisions as specified in paragraph (15) (b)
348 ~~(14) (b)~~. Not later than July 19, the Commissioner of Education
349 shall compute a millage rate, rounded to the next highest one
350 one-thousandth of a mill, which, when applied to 96 percent of
351 the estimated state total taxable value for school purposes,
352 would generate the prescribed aggregate required local effort
353 for that year for all districts. The Commissioner of Education
354 shall certify to each district school board the millage rate,
355 computed as prescribed in this subparagraph, as the minimum
356 millage rate necessary to provide the district required local
357 effort for that year.

358 b. The General Appropriations Act shall direct the



515338

359 computation of the statewide adjusted aggregate amount for
360 required local effort for all school districts collectively from
361 ad valorem taxes to ensure that no school district's revenue
362 from required local effort millage will produce more than 90
363 percent of the district's total Florida Education Finance
364 Program calculation as calculated and adopted by the
365 Legislature, and the adjustment of the required local effort
366 millage rate of each district that produces more than 90 percent
367 of its total Florida Education Finance Program entitlement to a
368 level that will produce only 90 percent of its total Florida
369 Education Finance Program entitlement in the July calculation.

370 2. On the same date as the certification in sub-
371 subparagraph 1.a., the Department of Revenue shall certify to
372 the Commissioner of Education for each district:

373 a. Each year for which the property appraiser has certified
374 the taxable value pursuant to s. 193.122(2) or (3), if
375 applicable, since the prior certification under sub-subparagraph
376 1.a.

377 b. For each year identified in sub-subparagraph a., the
378 taxable value certified by the appraiser pursuant to s.
379 193.122(2) or (3), if applicable, since the prior certification
380 under sub-subparagraph 1.a. This is the certification that
381 reflects all final administrative actions of the value
382 adjustment board.

383 (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally
384 connected student supplement is created to provide supplemental
385 funding for school districts to support the education of
386 students connected with federally owned military installations,
387 National Aeronautics and Space Administration (NASA) real



515338

388 property, and Indian lands. To be eligible for this supplement,
389 the district must be eligible for federal Impact Aid Program
390 funds under s. 8003 of Title VIII of the Elementary and
391 Secondary Education Act of 1965. The supplement shall be
392 allocated annually to each eligible school district in the
393 amount provided in the General Appropriations Act. The
394 supplement shall be the sum of the student allocation and an
395 exempt property allocation.

396 (a) The student allocation shall be calculated based on the
397 number of students reported for federal Impact Aid Program
398 funds, including students with disabilities, who meet one of the
399 following criteria:

400 1. The student has a parent who is on active duty in the
401 uniformed services or is an accredited foreign government
402 official and military officer. Students with disabilities shall
403 also be reported separately for this category.

404 2. The student resides on eligible federally owned Indian
405 land. Students with disabilities shall also be reported
406 separately for this category.

407 3. The student resides with a civilian parent who lives or
408 works on eligible federal property connected with a military
409 installation or NASA. The number of these students shall be
410 multiplied by a factor of 0.5.

411 (b) The total number of federally connected students
412 calculated under paragraph (a) shall be multiplied by a
413 percentage of the base student allocation as provided in the
414 General Appropriations Act. The total of the number of students
415 with disabilities as reported separately under subparagraphs
416 (a)1. and (a)2. shall be multiplied by an additional percentage



515338

417 of the base student allocation as provided in the General
418 Appropriations Act. The base amount and the amount for students
419 with disabilities shall be summed to provide the student
420 allocation.

421 (c) The exempt property allocation shall be equal to the
422 tax-exempt value of federal impact aid lands reserved as
423 military installations, real property owned by NASA, or eligible
424 federally owned Indian lands located in the district, as of
425 January 1 of the previous year, multiplied by the millage
426 authorized and levied under s. 1011.71(2).

427 (14) ~~(13)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may
428 annually in the General Appropriations Act determine a
429 percentage increase in funds per K-12 unweighted FTE as a
430 minimum guarantee to each school district. The guarantee shall
431 be calculated from prior year base funding per unweighted FTE
432 student which shall include the adjusted FTE dollars as provided
433 in subsection (15) ~~(14)~~, quality guarantee funds, and actual
434 nonvoted discretionary local effort from taxes. From the base
435 funding per unweighted FTE, the increase shall be calculated for
436 the current year. The current year funds from which the
437 guarantee shall be determined shall include the adjusted FTE
438 dollars as provided in subsection (15) ~~(14)~~ and potential
439 nonvoted discretionary local effort from taxes. A comparison of
440 current year funds per unweighted FTE to prior year funds per
441 unweighted FTE shall be computed. For those school districts
442 which have less than the legislatively assigned percentage
443 increase, funds shall be provided to guarantee the assigned
444 percentage increase in funds per unweighted FTE student. Should
445 appropriated funds be less than the sum of this calculated



515338

446 amount for all districts, the commissioner shall prorate each
447 district's allocation. This provision shall be implemented to
448 the extent specifically funded.

449 Section 4. Effective July 1, 2016, and upon the expiration
450 of the amendment to section 1011.71, Florida Statutes, made by
451 chapter 2015-222, Laws of Florida, subsection (1) of that
452 section is amended to read:

453 1011.71 District school tax.—

454 (1) If the district school tax is not provided in the
455 General Appropriations Act or the substantive bill implementing
456 the General Appropriations Act, each district school board
457 desiring to participate in the state allocation of funds for
458 current operation as prescribed by s. 1011.62(15) ~~s. 1011.62(14)~~
459 shall levy on the taxable value for school purposes of the
460 district, exclusive of millage voted under ~~the provisions of s.~~
461 9(b) or s. 12, Art. VII of the State Constitution, a millage
462 rate not to exceed the amount certified by the commissioner as
463 the minimum millage rate necessary to provide the district
464 required local effort for the current year, pursuant to s.
465 1011.62(4)(a)1. In addition to the required local effort millage
466 levy, each district school board may levy a nonvoted current
467 operating discretionary millage. The Legislature shall prescribe
468 annually in the appropriations act the maximum amount of millage
469 a district may levy.

470 Section 5. Except as otherwise expressly provided in this
471 act, this act shall take effect July 1, 2016.

472
473 ===== T I T L E A M E N D M E N T =====

474 And the title is amended as follows:



515338

475 Delete everything before the enacting clause
476 and insert:

477 A bill to be entitled
478 An act relating to education; creating s. 1001.67,
479 F.S.; establishing a collaboration between the state
480 board and the Legislature to designate certain Florida
481 College System institutions as distinguished colleges;
482 specifying standards for the designation; requiring
483 the state board to award the designation to certain
484 Florida College System institutions; providing that
485 the designated institutions are eligible for funding
486 as specified in the General Appropriations Act;
487 amending s. 1004.935, F.S.; deleting the scheduled
488 termination of the Adults with Disabilities Workforce
489 Education Pilot Program; changing the name of the
490 program to the "Adults with Disabilities Workforce
491 Education Program"; amending s. 1011.62, F.S.;
492 revising the calculation for certain supplemental
493 funds for exceptional student education programs;
494 requiring the funds to be prorated under certain
495 circumstances; revising the funding of full-time
496 equivalent values for students who earn CAPE industry
497 certifications through dual enrollment; deleting a
498 provision prohibiting a teacher's bonus from exceeding
499 a specified amount; creating a federally connected
500 student supplement for school districts; specifying
501 eligibility requirements and calculations for
502 allocations of the supplement; amending s. 1011.71,
503 F.S.; conforming a cross-reference; providing



515338

504

effective dates.

By Senator Gaetz

1-01356A-16

20161166__

1 A bill to be entitled
 2 An act relating to education funding; amending s.
 3 1011.62, F.S.; revising the calculation for certain
 4 supplemental funds for exceptional student education
 5 programs; requiring the funds to be prorated under
 6 certain circumstances; providing an effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
 10 Section 1. Paragraph (e) of subsection (1) of section
 11 1011.62, Florida Statutes, is amended to read:
 12 1011.62 Funds for operation of schools.—If the annual
 13 allocation from the Florida Education Finance Program to each
 14 district for operation of schools is not determined in the
 15 annual appropriations act or the substantive bill implementing
 16 the annual appropriations act, it shall be determined as
 17 follows:
 18 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 19 OPERATION.—The following procedure shall be followed in
 20 determining the annual allocation to each district for
 21 operation:
 22 (e) *Funding model for exceptional student education*
 23 *programs.*—
 24 1.a. The funding model uses basic, at-risk, support levels
 25 IV and V for exceptional students and career Florida Education
 26 Finance Program cost factors, and a guaranteed allocation for
 27 exceptional student education programs. Exceptional education
 28 cost factors are determined by using a matrix of services to
 29 document the services that each exceptional student will
 30 receive. The nature and intensity of the services indicated on
 31 the matrix shall be consistent with the services described in
 32 each exceptional student's individual educational plan. The

Page 1 of 3

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

1-01356A-16

20161166__

33 Department of Education shall review and revise the descriptions
 34 of the services and supports included in the matrix of services
 35 for exceptional students and shall implement those revisions
 36 before the beginning of the 2012-2013 school year.
 37 b. In order to generate funds using one of the two weighted
 38 cost factors, a matrix of services must be completed at the time
 39 of the student's initial placement into an exceptional student
 40 education program and at least once every 3 years by personnel
 41 who have received approved training. Nothing listed in the
 42 matrix shall be construed as limiting the services a school
 43 district must provide in order to ensure that exceptional
 44 students are provided a free, appropriate public education.
 45 c. Students identified as exceptional, in accordance with
 46 chapter 6A-6, Florida Administrative Code, who do not have a
 47 matrix of services as specified in sub-subparagraph b. shall
 48 generate funds on the basis of full-time-equivalent student
 49 membership in the Florida Education Finance Program at the same
 50 funding level per student as provided for basic students.
 51 Additional funds for these exceptional students will be provided
 52 through the guaranteed allocation designated in subparagraph 2.
 53 2. For students identified as exceptional who do not have a
 54 matrix of services and students who are gifted in grades K
 55 through 8, there is created a guaranteed allocation to provide
 56 these students with a free appropriate public education, in
 57 accordance with s. 1001.42(4)(1) and rules of the State Board of
 58 Education, which shall be allocated initially ~~annually~~ to each
 59 school district in the amount provided in the General
 60 Appropriations Act. These funds shall be supplemental ~~+~~
 61 ~~addition~~ to the funds appropriated for the basic funding level

Page 2 of 3

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1-01356A-16

20161166__

62 ~~on the basis of FTE student membership in the Florida Education~~
63 ~~Finance Program~~, and the amount allocated for each school
64 district shall ~~not~~ be recalculated once during the year, based
65 on actual student membership from the October FTE survey. Upon
66 recalculation, if the generated allocation is greater than the
67 amount provided in the General Appropriations Act, the total
68 shall be prorated to the level of the appropriation based on
69 each district's share of the total recalculated amount. These
70 funds shall be used to provide special education and related
71 services for exceptional students and students who are gifted in
72 grades K through 8. ~~Beginning with the 2007-2008 fiscal year, A~~
73 ~~district's~~ expenditure of funds from the guaranteed allocation
74 for students in grades 9 through 12 who are gifted may not be
75 greater than the amount expended during the 2006-2007 fiscal
76 year for gifted students in grades 9 through 12.

77 Section 2. This act shall take effect July 1, 2016.

**MEETING
MATERIAL NOT
AVAILABLE**

CourtSmart Tag Report

Room: KN 412

Case No.:

Caption: Senate Appropriations Sub Committee on Education

Type:

Judge:

Started: 1/25/2016 4:01:49 PM

Ends: 1/25/2016 4:12:50 PM

Length: 00:11:02

| | |
|-------------------|--|
| 4:01:48 PM | Call to order and roll call |
| 4:02:41 PM | Chair Gaetz Comments |
| 4:02:49 PM | SB 1166 Temporarily Postponed |
| 4:03:02 PM | Chair Gaetz pass chair to V. Chair Montford |
| 4:03:08 PM | Senator Gaetz - SB 684 |
| 4:04:57 PM | Am. #513366 - Adopted |
| 4:05:47 PM | Back on the bill |
| 4:06:06 PM | Senator Ring Question |
| 4:07:03 PM | Senator Stargel Question |
| 4:07:33 PM | Senator Montford Question |
| 4:07:54 PM | Public testimony |
| 4:08:02 PM | Debbie Mortham, Legislative Director - Foundation for Florida's Future (waives in support) |
| 4:08:08 PM | Natalie King, VP - Sunshine State Athletics Conference (waives in support) |
| 4:08:38 PM | Favorable - CS/SB 684 |
| 4:09:33 PM | Senator Montford passes chair back to Chair Gaetz |
| 4:09:39 PM | Senator Gaetz Closing Comments |
| 4:10:49 PM | Senator Bullard Comments |
| 4:11:33 PM | Senator Stargel comments |
| 4:12:36 PM | Meeting Adjourned |