

Tab 1	SB 260 by Book (CO-INTRODUCERS) Flores, Hukill; (Similar to CS/H 00063) Students with Disabilities in Public Schools					
659794	D	S	RCS	ED, Book	Delete everything after	02/06 12:46 PM
Tab 2	SB 844 by Bean; (Identical to H 00565) Excess Credit Hour Surcharges					
495428	D	S	RCS	ED, Bean	Delete everything after	02/06 12:46 PM
Tab 3	SB 1234 by Baxley; (Similar to CS/H 00909) Free Expression on Campus					
101332	A	S	RCS	ED, Baxley	Delete L.30 - 90:	02/06 12:46 PM
108472	AA	S	UNFAV	ED, Thurston	Delete L.24 - 26:	02/06 12:46 PM
492402	AA	S	UNFAV	ED, Thurston	Delete L.39:	02/06 12:46 PM
215150	AA	S	UNFAV	ED, Thurston	Delete L.40 - 62:	02/06 12:46 PM
301064	AA	S	WD	ED, Thurston	Delete L.40 - 62.	02/06 12:46 PM
725138	AA	S	FAV	ED, Baxley	Delete L.41 - 42:	02/06 12:46 PM
704918	A	S	L WD	ED, Thurston	Delete L.64:	02/06 12:46 PM
534074	A	S	L WD	ED, Thurston	Delete L.65 - 90.	02/06 12:46 PM
520604	A	S	L WD	ED, Thurston	Delete L.43 - 46:	02/06 12:46 PM
838782	A	S	L WD	ED, Thurston	Delete L.49 - 51:	02/06 12:46 PM
Tab 4	SB 1644 by Lee (CO-INTRODUCERS) Baxley, Steube, Mayfield; (Compare to CS/H 00827) Instructional Materials					
385820	A	S	L	ED, Lee	Delete L.174 - 180:	02/06 08:48 AM
Tab 5	SB 1712 by Montford (CO-INTRODUCERS) Thurston; (Similar to H 00375) Postsecondary Revenue Bonds and Debt					
Tab 6	SB 1738 by Stewart; (Identical to H 01297) Early Childhood Education					
425224	D	S	RCS	ED, Stewart	Delete everything after	02/06 12:46 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Hukill, Chair
Senator Mayfield, Vice Chair

MEETING DATE: Tuesday, February 6, 2018**TIME:** 9:00—10:30 a.m.**PLACE:** Pat Thomas Committee Room, 412 Knott Building**MEMBERS:** Senator Hukill, Chair; Senator Mayfield, Vice Chair; Senators Book, Farmer, Galvano, Lee, Perry, Simmons, Simpson, Stewart, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 260 Book (Similar CS/H 63)	Students with Disabilities in Public Schools; Amending provisions relating to the seclusion and restraint of students with disabilities; revising school district policies and procedures relating to restraint and seclusion; requiring continuing education and inservice training for teaching students with emotional or behavioral disabilities, etc. ED 02/06/2018 Fav/CS HP RC	Fav/CS Yeas 11 Nays 0
2	SB 844 Bean (Identical H 565)	Excess Credit Hour Surcharges; Providing an exception to the excess credit hour surcharge requirement for certain students; providing a separate excess hour surcharge threshold for students enrolled in certain degree programs designated as areas of strategic emphasis by the Board of Governors, etc. ED 02/06/2018 Fav/CS AHE AP	Fav/CS Yeas 11 Nays 0
3	SB 1234 Baxley (Similar CS/H 909)	Free Expression on Campus; Citing this act as the "Campus Free Expression Act"; Authorizing a public institution of higher education to create and enforce certain restrictions relating to expressive activities on campus; providing for a cause of action against a public institution of higher education for violations of the act, etc. ED 02/06/2018 Fav/CS JU	Fav/CS Yeas 7 Nays 4
4	SB 1644 Lee (Compare CS/H 827)	Instructional Materials; Requiring district school board rules to include a longer public review period for student editions of recommended instructional materials; requiring public access to and an opportunity to comment on instructional materials recommended for adoption; exempting certain instructional materials from certain public review procedures, etc. ED 02/06/2018 Not Considered RC	Not Considered

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, February 6, 2018, 9:00—10:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1712 Montford (Similar H 375)	Postsecondary Revenue Bonds and Debt; Authorizing state universities to use specified moneys to pay debt service on revenue bonds if required by a specified federal program, etc. ED 02/06/2018 Favorable AHE AP	Favorable Yeas 11 Nays 0
6	SB 1738 Stewart (Identical H 1297)	Early Childhood Education; Prohibiting a private prekindergarten provider from participating in the Voluntary Prekindergarten Education Program for a specified period under certain circumstances; authorizing an early learning coalition to revoke the eligibility of a school readiness program provider to participate in the school readiness program for a specified period under certain circumstances, etc. ED 02/06/2018 Fav/CS AED AP	Fav/CS Yeas 11 Nays 0
TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Board of Governors of the State University System			
8	Jordan, Darlene L. (Palm Beach)	01/06/2024	Not Considered
	Kitson, Sydney William (West Palm Beach)	01/06/2024	Not Considered
	Levine, Alan M. (Johnson City)	01/06/2024	Not Considered
State Board of Education			
7	Gibson, Benjamin J. (Tallahassee)	12/31/2020	Not Considered
Board of Trustees, Florida A & M University			
9	Moore, Kimberly Ann (Tallahassee)	01/06/2023	Not Considered
Board of Trustees, University of Central Florida			
10	Lord, John Stanley (Winter Park)	01/06/2020	Not Considered
	Seay, Beverly Jo (Winter Springs)	01/06/2023	Not Considered
Board of Trustees, Florida Gulf Coast University			
11	Eide, Richard P., Jr. (Naples)	01/06/2023	Not Considered
Board of Trustees, Florida International University			
12	Alvarez, Cesar L. (Miami)	01/06/2023	Not Considered
	Colson, Dean C. (Miami)	01/06/2021	Not Considered

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, February 6, 2018, 9:00—10:30 a.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Board of Trustees, New College of Florida			
13	Skestos, George A. (Long Boat Key)	01/06/2023	Not Considered
Board of Trustees, Florida Polytechnic University			
14	Saco, Louis S. (Temple Terrace)	11/07/2022	Not Considered
Board of Trustees, University of North Florida			
15	Egan, Anne T. (Jacksonville)	01/06/2023	Not Considered
Board of Trustees, University of West Florida			
16	Lewis, Suzanne (Pensacola)	01/06/2023	Not Considered

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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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 Committee on Education

BILL: CS/SB 260

INTRODUCER: Education Committee; Senator Book and others

SUBJECT: Students with Disabilities in Public Schools

DATE: February 7, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff	Graf	ED	Fav/CS
2.			HP	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 260 revises the use of restraint techniques on certain students with disabilities, prohibits placing such students in seclusion, and specifies responsibilities for school districts, schools, and the Commissioner of Education (commissioner). Specifically, the bill:

- Defines student to mean a student with a disability.
- Defines exclusionary and nonexclusionary time; establishes conditions under which a student may be placed in exclusionary or nonexclusionary time; and specifies related documentation, reporting and monitoring of such incidents.
- Prohibits the use of specified physical restraint techniques by school personnel on students.
- Requires each school district to:
 - Develop policies and procedures regarding physical safety and security of all students and school personnel.
 - Report procedures for training related to restraint and the bill specifies the components of such training.
 - Publicly post its policies on all emergency procedures, including the district's policies on the use of restraint and seclusion.
- Requires a school to conduct a review of incidents of restraint, and related interventions and school personnel training.
- Requires redacted copies of documentation related to the use of restraint and exclusionary and nonexclusionary time to be updated monthly and made available to the public through the Department of Education's website by October 1, 2018.

- Requires the commissioner to develop recommendations to incorporate instruction regarding emotional or behavioral disabilities into continuing education and inservice training requirements for instructional personnel.

This bill takes effect July 1, 2018.

II. Present Situation:

Florida law provides conditions for the use of restraint and seclusion on students with disabilities; and requires documentation, reporting, and monitoring of the use of such techniques.

The Use of Restraint and Seclusion

Florida law does not define restraint or seclusion, but guidance by the Florida Department of Education directs that all documenting, reporting, and monitoring requirements for restraint be based on the federal Office for Civil Rights (OCR) definitions related to restraint and seclusion for all students.¹

Restraint

The U.S. Department of Education defines the following instances of restraint:

- Physical restraint immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely and does not include a physical escort.² A physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.³
- Mechanical restraint is the use of any device or equipment to restrict a student's freedom of movement and does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related service professional and are used for the specific and approved purposes for which such devices were designed.⁴

School personnel are prohibited from using a mechanical restraint or a physical or manual restraint that restricts a student's breathing.⁵ School personnel may not close, lock, or physically block a student in a room that is unlit and does not meet the rules of the State Fire Marshall for seclusion time-out rooms.⁶

¹ Florida Department of Education, Bureau of Exceptional Education and Student Services, *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, Technical Assistance Paper FY 2011-165 (Oct. 2011), available at <https://info.fl DOE.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>, at 2.

² U.S. Department of Education, Office of Civil Rights, *Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities* (Dec. 28, 2016), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>, at 6.

³ *Id.*

⁴ *Id.*

⁵ Section 1003.573(4), F.S.

⁶ *Id.* at (5); Rule 69A-58.0084, F.A.C.

School districts began reporting incidents of restraint and seclusion at the beginning of the 2010-11 school year.⁷ Since the inception of the reporting system through July 31, 2017, there have been 63,652 incidents of restraint reported.⁸

School Year	Number of Students ⁹	Restraint Incidents
2010-11	3,580	10,683
2011-12	4,369	9,789
2012-13	4,096	9,551
2013-14	3,479	8,964
2014-15	3,229	8,199
2015-16	3,437	7,696
2016-17	3,239	8,770
Total	22,190	63,652

Seclusion

The OCR defines seclusion as the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.¹⁰ Seclusion does not include a time out, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.¹¹

School districts began reporting incidents seclusion at the beginning of the 2010-11 school year.¹² Since the inception of the reporting system through July 31, 2017, there have been 19,354 incidents of seclusion reported.¹³

School Year	Number of Students ¹⁴	Seclusion Incidents
2010-11	1,321	4,637
2011-12	1,448	4,245
2012-13	1,237	3,024
2013-14	885	2,272
2014-15	732	2,262
2015-16	638	1,563
2016-17	503	1,351
Total	6,621	19,354

⁷ Florida Department of Education, *SB 260 Analysis* (Sept. 28, 2017), at 4.

⁸ *Id.*

⁹ Email, Florida Department of Education (Dec. 18, 2017).

¹⁰ Florida Department of Education, Bureau of Exceptional Education and Student Services, *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, Technical Assistance Paper FY 2011-165 (Oct. 2011), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>, at 2.

¹¹ U.S. Department of Education, Office of Civil Rights, *Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities* (Dec. 28, 2016), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>, at 7.

¹² Florida Department of Education, *SB 260 Analysis* (Sept. 28, 2017), at 4.

¹³ *Id.*

¹⁴ Email, Florida Department of Education (Dec. 18, 2017).

Florida law specifies responsibilities for schools districts, schools, and the Florida Department of Education regarding the use of restraint and seclusion on students with disabilities.

School District Responsibilities

Each school district must develop policies and procedures that are consistent with Florida law regarding the use of restraint and seclusion on students with disabilities and that govern specified topics, such as:¹⁵

- Data collection and monitoring, including when, where, and why students are restrained or secluded; the frequency of occurrences of such restraint or seclusion; and the prone or mechanical restraint that is most used.
- Training programs relating to manual or physical restraint and seclusion.
- The district's plan for reducing the use of restraint and seclusion particularly in settings in which it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint.

School Responsibilities

Florida law requires a school to prepare an incident report within 24 hours after a student is released from restraint or seclusion.¹⁶ The incident report must contain information specified in law, such as:¹⁷

- The name, age, grade, ethnicity, and disability of the student restrained or secluded.
- The date and time of the event and the duration of the restraint or seclusion.
- A description of the type of restraint used in terms established by the Florida Department of Education (DOE).
- A detailed description of the incident.

A school must notify the parent or guardian of a student each time that manual or physical restraint or seclusion is used.¹⁸ Such notification must be in writing and provided before the end of the school day on which the restraint or seclusion occurs.¹⁹ Reasonable efforts must also be taken to notify the parent or guardian by telephone or computer e-mail, or both, and these efforts must be documented.²⁰ The school must obtain and keep in its records the parent's or guardian's signed acknowledgement that he or she was notified of his or her child's restraint or seclusion.²¹ A school must also provide the parent or guardian with the completed incident report in writing by mail within 3 school days after a student was manually or physically restrained or secluded and the school must obtain, and keep in its records, the parents' or guardian's signed acknowledgment that he or she received a copy of the incident report.²²

¹⁵ Section 1003.573(3)(a), F.S.

¹⁶ Section 1003.573(1)(a), F.S. If the student's release occurs on a day before the school closes for the weekend, a holiday or another reason, the incident report must be completed by the end of the school day on the day the school reopens. *Id.*

¹⁷ Section 1003.573(1)(b), F.S.

¹⁸ Section 1003.573(1)(c), F.S.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.* at (d).

Florida law requires monitoring of the use of manual or physical restraint or seclusion on students to occur at the classroom, building, district, and state levels.²³ Documentation of the incident report and the notification to the parent or guardian must be provided to the school principal, the district director of Exceptional Student Education, and the bureau chief of the Bureau of Exceptional Education and Student Services electronically each month that school is in session.²⁴

Florida Department of Education Responsibilities

The DOE is required to maintain aggregate data of incidents of manual or physical restraint and seclusion and disaggregate data for analysis by county, school, student exceptionality, and other variables, including the type and method of restraint or seclusion used.²⁵ This information must be updated monthly.²⁶ The DOE is also required to establish standards for documenting, reporting, and monitoring the use of manual or physical restraint or mechanical restraint, and occurrences of seclusion for the school districts.²⁷

The Commissioner of Education is required to develop recommendations to incorporate instruction regarding autism spectrum disorder, Down syndrome, and other developmental disabilities into continuing education or inservice training requirements for personnel.²⁸ These recommendations address:²⁹

- Early identification and intervention methods.
- Curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques.
- The use of available state and local resources.
- The use of positive behavioral supports to deescalate problem behaviors.
- Appropriate use of manual physical restraint and seclusion techniques.

III. Effect of Proposed Changes:

CS/SB 260 revises the use of restraint techniques on certain students with disabilities, prohibits placing such students in seclusion, and specifies responsibilities for school districts, schools, and the Commissioner of Education (commissioner). Specifically, the bill:

- Defines student to mean a student with a disability.
- Defines exclusionary and nonexclusionary time; establishes conditions under which a student may be placed in exclusionary or nonexclusionary time; and specifies related documentation, reporting and monitoring of such incidents.
- Prohibits the use of specified physical restraint techniques by school personnel on students.

²³ Section 1003.573(2)(a), F.S.

²⁴ Section 1003.573(1)(b), F.S.

²⁵ Section 1003.573(1)(c), F.S.

²⁶ *Id.*

²⁷ *Id.* at (d). Florida Department of Education, Bureau of Exceptional Education and Student Services, *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, Technical Assistance Paper FY 2011-165, Appendix A (Oct. 2011), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>.

²⁸ Section 6, ch. 2010-224, L.O.F.; Section 1012.582(1), F.S.

²⁹ Section 1012.582(1)(a)-(e), F.S.

- Requires each school district to:
 - Develop policies and procedures regarding physical safety and security of all students and school personnel.
 - Report procedures for training related to restraint and the bill specifies the components of such training.
 - Publicly post its policies on all emergency procedures, including the district's policies on the use of restraint and seclusion.
- Requires a school to conduct a review of incidents of restraint, and related interventions and school personnel training.
- Requires redacted copies of documentation related to the use of restraint and exclusionary and nonexclusionary time to be updated monthly and made available to the public through the Department of Education's (DOE's or the departments) website by October 1, 2018.
- Requires the commissioner to develop recommendations to incorporate instruction regarding emotional or behavioral disabilities into continuing education and inservice training requirements for instructional personnel.

The Use of Restraint and Seclusion

Restraint

The bill defines the following terms related to restraint:

- Restraint means the use of a mechanical or physical restraint, which may be used only when all other behavioral strategies and intervention techniques have been exhausted.
- Mechanical restraint means the use of a device that restricts a student's freedom of movement. The term includes, but is not limited to the use of straps, belts, tie-downs, and chairs with straps. However, the term mechanical restraint does not include the use of any of the following:
 - Medical protective equipment.
 - Behavioral protective equipment, including helmets, gloves, wraps, calming blankets and other devices that are used temporarily to prevent severe tissue damage caused by behavioral excess.
 - Physical equipment or orthopedic appliances, surgical dressings or bandages, or supportive body bands or other restraints necessary for ongoing medical treatment in the educational setting.
 - Devices used to support functional body position or proper balance, or to prevent a person from falling out of a bed or wheelchair, except when such device is used for a purpose other than supporting a body position or proper balance, such as coercion, discipline, convenience, or retaliation, to prevent imminent risk of serious injury or death of the student or others, or for any behavior management reason.³⁰
 - Equipment used for safety during transportation
- Physical restraint is the use of manual restraint techniques that involve significant physical force applied by a teacher or other staff member to restrict the movement of all or part of a student's body.

³⁰ CS/SB 260 defines an imminent risk of serious injury or death as the impending risk of a significant injury, such as a laceration, bone fracture, substantial hematoma, or injury to an internal organ, or death.

The bill prohibits the use of a mechanical restraint.

The bill limits the use of physical restraint to only when there is an imminent risk of serious injury or death to the student or others and only for the period of time necessary to eliminate such risk.³¹ Moreover, the bill specifies that physical restraint:

- Must be used only to protect the safety of students, school personnel, or others.
- May not be used for student discipline, to correct student noncompliance, or for the convenience of school district staff.
- Must only be used for the period needed to provide such protection.

The bill specifies that the degree of force applied during physical restraint must be the only degree of force necessary to protect the student or others from serious injury or death.

The bill also clarifies that school personnel who have received training that is not associated with their employment with the school district, such as a former law enforcement officer who is now a teacher, must receive training in the specific district-approved techniques and may not apply techniques or procedures acquired elsewhere. Specifically, school personnel may not use any of the following physical restraint techniques on a student:

- Pain inducement to obtain compliance.
- Bone locks.
- Hyperextension of joints.
- Peer restraint.
- Pressure or weight on the chest, lungs, sternum, diaphragm, back, or abdomen causing chest compression.
- Straddling or sitting on any part of the body or any maneuver that places pressure, weight, or leverage on the neck or throat, on an artery, or on the back of the head or neck, or that otherwise obstructs or restricts the circulation of blood or obstructs an airway.
- Any type of choking, including hand chokes, and any type of neck or head hold.
- A technique that involves spraying or pushing anything on or into the mouth, nose, eyes, or any part of the face or body with anything, including soft objects such as pillows or washcloths.
- Any maneuver that involves punching, hitting, poking pinching, or shoving.
- Prone or supine restraint.

The codification of impermissible physical restraint techniques may provide additional protection for students who are subject to restraint.

Seclusion

The bill prohibits the use of seclusion on students by school personnel. The bill defines seclusion to mean the removal of a student from an educational environment, involuntarily confining the student in a room or area, and preventing the student from leaving the area by locking or artificially blocking the door. The bill specifies that seclusion does not include exclusionary time. This prohibition may propel school personnel to consider effective and appropriate intervention strategies to address student behavior in the school setting.

³¹ CS/SB 260 defines an imminent risk of serious injury or death as the impending risk of a significant injury, such as a laceration, bone fracture, substantial hematoma, or injury to an internal organ, or death.

Exclusionary and Nonexclusionary Time

The bill specifies that a student may be placed in exclusionary or nonexclusionary time. The bill defines:

- Exclusionary time to mean the period during which a student is removed from an event, activity, or instructional environment to encourage reflection on behavior and allow space and time for understanding of choices and consequences.
- Nonexclusionary time to mean a period during which a student remains in the event or instructional environment, but is redirected from the activities so that he or she has an opportunity to reflect on the behavior and is given space and time for understanding of choices and consequences.

The bill provides that school personnel may place a student in exclusionary or nonexclusionary time only if all of the following conditions are met:

- The exclusionary time or nonexclusionary time is part of a positive behavioral intervention plan developed for the student from a functional behavioral assessment and referenced in the student's individualized behavior intervention plan.
- There is documentation that the exclusionary nonexclusionary time was preceded by the use of other positive behavioral supports that were not effective.
- The exclusionary or nonexclusionary time takes place in a classroom or in another environment where class educational activities are taking place.
- The student is not physically prevented from leaving the exclusionary or nonexclusionary time area.
- An adult observes the student on a constant basis for the duration of the exclusionary or nonexclusionary time.
- The exclusionary or nonexclusionary time area and process are free of any action that is likely to embarrass or humiliate the student.

The bill also specifies that exclusionary or nonexclusionary time may not be used for a period that exceeds one minute for each year of a student's age or until the student is calm enough to return to his or her seat. Further, exclusionary or nonexclusionary time may not be used as a punishment or negative consequence of a student's behavior.

The bill provides that all documentation, reporting, and monitoring provisions in current law related to the use of restraint also apply to the use of exclusionary and nonexclusionary time.

The establishment of exclusionary and nonexclusionary time may provide school personnel with additional intervention methods and tools to reduce disruption during instructional time or other activities and to assist students to reflect on their behavior.

School District Responsibilities

The bill requires school districts to develop policies and procedures that provide for the physical safety and security of all students and school personnel and which treat all students with respect and dignity in an environment that promotes a positive school culture and climate. This is

consistent with Florida Department of Education (DOE) guidance.³² The bill specifies that the policies and procedures adopted by the school districts must also include:

- A description of escalating behavioral strategies that may be used.
- Allowable use of restraint on students.
- Training procedures.
- The district's timeframe for completing the newly established training procedures in the use of restraint on students.
- Analysis of data to determine trends.
- Ongoing reduction of the use of restraint.

Additionally, the bill requires each school district to publicly post its policies on all emergency procedures, including its policies on the use of seclusion and restraint at the beginning of each school year. Accordingly, such policies and procedures may assist with reducing the use of restraint techniques by public schools.

Training for the Use of Restraint

The bill requires each school district to develop and publish training protocol. Each school district must report its procedures for training in the use of restraint to the DOE by publishing the procedures in the district's special policies and procedures manual. The bill specifies that the school district training in the use of restraint must include all of the following:

- Procedures for deescalating a problem behavior before the problem behavior increases to a level or intensity necessitating physical intervention.
- Information regarding the risks associated with restraint and procedures for assessing individual situations and restraint and procedures for assessing individual situations and students in order to determine whether the use of restraint is appropriate and sufficiently safe.
- The actual use of specific techniques that range from the least to most restrictive, with ample opportunity for trainees to demonstrate proficiency in the use of such techniques.
- Techniques for implementing restraint with multiple staff members working as a team.
- Techniques for assisting a student in reentering the instructional environment and reengaging in learning.
- Instruction in the district's documentation and reporting requirements.
- Procedures to identify and deal with possible medical emergencies arising during the use of restraint.
- Cardiopulmonary resuscitation.

The establishment of training protocol on the use of restraint may provide school personnel with additional resources and knowledge related to the techniques and the use of restraint.

³² DOE guidance recognizes that there are instances in which students pose a threat to the safety of themselves or others and that it is the purpose of restraint and seclusion to prevent such injury to self and or others. Seclusion and restraint procedures are not to be used to punish a student, as a deterrent, or to teach a student a lesson. DOE guidance states that it is important to recognize that the use of restraint and seclusion may have an emotional impact on students and such interventions should only be used in emergency situations when an imminent risk of serious injury or death to the student or others exists and in a manner that conveys respect for the dignity of the student. Florida Department of Education, Bureau of Exceptional Education and Student Services, *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, Technical Assistance Paper FY 2011-165 (Oct. 2011), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>, at 1.

School Responsibilities

The bill modifies information included in incident reports prepared by public schools to also include specified information on exclusionary or nonexclusionary time.

Additionally, the bill requires a school to conduct a review if a student is restrained more than twice during a semester. Such review must include:

- The restraint incidents and an analysis of how future incidents may be avoided;
- The student's functional behavioral assessment and positive behavioral intervention plan by the school personnel and parent within two weeks before the end of the semester; and
- The training provided to school personnel concerning the use of restraint.

Such review process may assist the schools and school districts to reduce the use of restraint on students and ensure that appropriate training is provided to personnel regarding restraint techniques and use.

Florida Department of Education Responsibilities

The bill requires redacted copies of any documentation or reporting related to the use of restraint or exclusionary or nonexclusionary time to be updated monthly and made available to the public through the department's website by October 1, 2018.

The bill also requires the DOE to make the aggregate-level data maintained on the incidents of restraint or exclusionary or nonexclusionary time, disaggregated by county, school, student exceptionality, and other variables, available to the public through the department's website by October 1, 2018. This may provide the public with access to policies, procedures, and data related to the use of seclusion and restraint on students.

The bill requires the DOE to establish and provide to school districts standards for documenting, reporting, and monitoring the use of and occurrences of exclusionary or nonexclusionary time.

The bill requires the Commissioner of Education to develop recommendations that incorporate instruction regarding emotional or behavioral disabilities into continuing education or inservice training requirements for instructional personnel. Such recommendations must address the appropriate use of physical restraint and seclusion techniques and effective classroom behavior management strategies, including, but not limited to, differential reinforcement, precision commands, minimizing attention or access to other reinforcers, and exclusionary and nonexclusionary time methods.

Accordingly, the bill may help instructional personnel to be informed and trained in strategies to teach students with emotional or behavioral disabilities.

The bill takes effect July 1, 2018.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Florida Department of Education, school districts may incur costs associated with certification and refresher training in district-approved techniques for manual physical restraint.³³ Such costs are currently indeterminable.³⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1003.573 and 1012.582.

³³ Florida Department of Education, *SB 260 Analysis* (Sept. 28, 2017), at 7.

³⁴ *Id.*

IX. Additional Information:

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

CS by Education on February 6, 2018.

The committee substitute retains the substance of the bill with the following modifications:

- Defines student to mean a student with a disability.
- Explicitly prohibits the use of a prone or supine restraint.
- Prohibits the use of a mechanical restraint, defines mechanical restraint, identifies types of mechanical restraints, and clarifies that calming blankets do not constitute a mechanical restraint.
- Provides that documentation, reporting, and monitoring requirements in law also apply to the use of exclusionary or nonexclusionary time.
- Requires a school to make redacted copies of documentation related to the use of restraint or exclusionary or nonexclusionary time available to the public through the Department of Education's website by October 1, 2018.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2018	.	
	.	
	.	
	.	

The Committee on Education (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1003.573, Florida Statutes, is amended
to read:

1003.573 Seclusion and Use of restraint of and seclusion on
students with disabilities in public schools.—

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

(a) "Department" means the Department of Education.

(b) "Exclusionary time" means the period during which a



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student is removed from an event, activity, or instructional environment to encourage reflection on behavior and allow space and time for understanding of choices and consequences.

(c) "Imminent risk of serious injury or death" means the impending risk of a significant injury, such as a laceration, bone fracture, substantial hematoma, or injury to an internal organ, or death.

(d) "Medical protective equipment" means health-related protective devices prescribed by a physician or dentist for use as student protection in response to an existing medical condition.

(e) "Nonexclusionary time" means a period during which a student remains in the event or instructional environment but is redirected from the activities so that he or she has an opportunity to reflect on the behavior and is given space and time for understanding of choices and consequences.

(f) "Restraint" means the use of a mechanical or physical restraint which may be used only when all other behavioral strategies and intervention techniques have been exhausted.

1. "Mechanical restraint" means the use of a device that restricts a student's freedom of movement. The term includes, but is not limited to, the use of straps, belts, tie-downs, and chairs with straps; however, the term does not include the use of any of the following:

a. Medical protective equipment.

b. Behavioral protective equipment, including helmets, gloves, wraps, calming blankets, and other devices that are used temporarily to prevent severe tissue damage caused by behavioral excesses.



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c. Physical equipment or orthopedic appliances, surgical dressings or bandages, or supportive body bands or other restraints necessary for ongoing medical treatment in the educational setting.

d. Devices used to support functional body position or proper balance, or to prevent a person from falling out of a bed or a wheelchair, except when such a device is used for a purpose other than supporting a body position or proper balance, such as coercion, discipline, convenience, or retaliation, to prevent imminent risk of serious injury or death of the student or others, or for any other behavior management reason.

e. Equipment used for safety during transportation, such as seatbelts or wheelchair tie-downs.

2. "Physical restraint" means the use of manual restraint techniques that involve significant physical force applied by a teacher or other staff member to restrict the movement of all or part of a student's body.

(g) "Seclusion" means the removal of a student from an educational environment, involuntarily confining the student in a room or area, and preventing the student from leaving the area by locking or artificially blocking the door. The term does not include exclusionary time.

(h) "Student" means a student with a disability.

(2) PHYSICAL RESTRAINT.—

(a) Physical restraint may be used only when there is an imminent risk of serious injury or death to the student or others and only for the period of time necessary to eliminate such risk.

(b) Notwithstanding the authority provided in s. 1003.32,



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physical restraint shall be used only to protect the safety of students, school personnel, or others and may not be used for student discipline, to correct student noncompliance, or for the convenience of school district staff. Physical restraint shall be used only for the period needed to provide such protection.

(c) The degree of force applied during physical restraint must be only that degree of force necessary to protect the student or others from serious injury or death.

(d) School personnel who have received training that is not associated with their employment with the school district, such as a former law enforcement officer who is now a teacher, shall receive training in the specific district-approved techniques and may not apply techniques or procedures acquired elsewhere.

(e) School personnel may not use any of the following physical restraint techniques on a student:

1. Pain inducement to obtain compliance.

2. Bone locks.

3. Hyperextension of joints.

4. Peer restraint.

5. Pressure or weight on the chest, lungs, sternum, diaphragm, back, or abdomen causing chest compression.

6. Straddling or sitting on any part of the body or any maneuver that places pressure, weight, or leverage on the neck or throat, on an artery, or on the back of the head or neck or that otherwise obstructs or restricts the circulation of blood or obstructs an airway.

7. Any type of choking, including hand chokes, and any type of neck or head hold.

8. A technique that involves spraying or pushing anything



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on or into the mouth, nose, eyes, or any part of the face or that involves covering the face or body with anything, including soft objects such as pillows or washcloths.

9. Any maneuver that involves punching, hitting, poking, pinching, or shoving.

10. Prone or supine restraint.

(3) EXCLUSIONARY AND NONEXCLUSIONARY TIME.—

(a) School personnel may place a student in exclusionary or nonexclusionary time if all of the following conditions are met:

1. The exclusionary or nonexclusionary time is part of a positive behavioral intervention plan developed for the student.

2. There is documentation that the exclusionary or nonexclusionary time was preceded by the use of other positive behavioral supports that were not effective.

3. The exclusionary or nonexclusionary time takes place in a classroom or in another environment where class educational activities are taking place.

4. The student is not physically prevented from leaving the exclusionary or nonexclusionary time area.

5. The student is observed on a constant basis by an adult for the duration of the exclusionary or nonexclusionary time.

6. The exclusionary or nonexclusionary time area and process are free of any action that is likely to embarrass or humiliate the student.

(b) Exclusionary or nonexclusionary time may not be used for a period that exceeds 1 minute for each year of a student's age or until the student is calm enough to return to his or her seat.

(c) Exclusionary or nonexclusionary time may not be used as



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a punishment or negative consequence of a student's behavior.

(4) TRAINING.—

(a) Each school district shall report its procedures for training in the use of restraint to the department by publishing the procedures in the district's special policies and procedures manual.

(b) Training in the use of restraint must include all of the following:

1. Procedures for deescalating a problem behavior before the problem behavior increases to a level or intensity necessitating physical intervention.

2. Information regarding the risks associated with restraint and procedures for assessing individual situations and students in order to determine whether the use of restraint is appropriate and sufficiently safe.

3. The actual use of specific techniques that range from the least to most restrictive, with ample opportunity for trainees to demonstrate proficiency in the use of such techniques.

4. Techniques for implementing restraint with multiple staff members working as a team.

5. Techniques for assisting a student in reentering the instructional environment and reengaging in learning.

6. Instruction in the district's documentation and reporting requirements.

7. Procedures to identify and deal with possible medical emergencies arising during the use of restraint.

8. Cardiopulmonary resuscitation.

(5) STUDENT-CENTERED FOLLOWUP.—If a student is restrained



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more than twice during a semester, the school shall conduct a review of:

(a) The incidents in which restraint was used and an analysis of how future incidents may be avoided;

(b) The student's functional behavioral assessment and positive behavioral intervention plan by the school personnel and parent within two weeks before the end of the semester; and

(c) The training provided to school personnel concerning the use of restraint.

(6)~~(1)~~ DOCUMENTATION AND REPORTING.—

(a) At the beginning of each school year, a school district shall publicly post its policies on all emergency procedures, including its policies on the use of restraint.

(b)~~(a)~~ A school shall prepare an incident report within 24 hours after a student is released from restraint or exclusionary or nonexclusionary time ~~seclusion~~. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report must be completed by the end of the school day on the day the school reopens.

(c)~~(b)~~ The following must be included in the incident report:

1. The name of the student restrained or placed in exclusionary or nonexclusionary time ~~secluded~~.

2. The age, grade, ethnicity, and disability of the student restrained or placed in exclusionary or nonexclusionary time ~~secluded~~.

3. The date and time of the event and the duration of the restraint or exclusionary or nonexclusionary time ~~seclusion~~.



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186 4. The location at which the restraint or exclusionary or
187 nonexclusionary time ~~seclusion~~ occurred.

188 5. If a restraint is used, a description of the type of
189 restraint used in terms established by the department ~~of~~
190 ~~Education~~.

191 6. The name of the person using or assisting in the
192 restraint of or imposition of exclusionary or nonexclusionary
193 time on ~~seclusion~~ of the student and the date the person was
194 last trained in the use of restraint on students.

195 7. The name of any nonstudent who was present to witness
196 the restraint or exclusionary or nonexclusionary time ~~seclusion~~.

197 8. A description of the incident, including all of the
198 following:

199 a. The context in which the restraint or exclusionary or
200 nonexclusionary time ~~seclusion~~ occurred.

201 b. The student's behavior leading up to and precipitating
202 the decision to use ~~manual or physical~~ restraint or exclusionary
203 or nonexclusionary time ~~seclusion~~, including an indication as to
204 why there was an imminent risk of serious injury or death to the
205 student or others if a student was subject to restraint.

206 c. The specific positive behavioral strategies used to
207 prevent and deescalate the behavior.

208 d. What occurred with the student immediately after the
209 termination of the restraint or exclusionary or nonexclusionary
210 time ~~seclusion~~.

211 e. Any injuries, visible marks, or possible medical
212 emergencies that may have occurred during the restraint or
213 exclusionary or nonexclusionary time ~~seclusion~~, documented
214 according to district policies.



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f. Evidence of steps taken to notify the student's parent or guardian.

~~(d)-(e)~~ A school shall notify the parent or guardian of a student each time ~~manual or physical~~ restraint or exclusionary or nonexclusionary time seclusion is used. Such notification must be in writing and provided before the end of the school day on which the restraint or exclusionary or nonexclusionary time seclusion occurs. Reasonable efforts must also be taken to notify the parent or guardian by telephone or ~~computer~~ e-mail, or both, and these efforts must be documented. The school shall obtain, and keep in its records, the parent's or guardian's signed acknowledgment that he or she was notified of his or her child's restraint or exclusionary or nonexclusionary time seclusion.

~~(e)-(d)~~ A school shall also provide the parent or guardian with the completed incident report in writing by mail within 3 school days after a student was ~~manually or physically~~ restrained or placed in exclusionary or nonexclusionary time seclusion. The school shall obtain, and keep in its records, the parent's or guardian's signed acknowledgment that he or she received a copy of the incident report.

~~(7)-(2)~~ MONITORING.—

(a) ~~Monitoring of~~ The use of ~~manual or physical~~ restraint or exclusionary or nonexclusionary time seclusion on students shall be monitored ~~occur~~ at the classroom, building, district, and state levels.

(b) Any documentation prepared by a school pursuant to ~~as required in~~ subsection (6) ~~(1)~~ shall be provided to the school principal, the district director of Exceptional Student



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Education, and the bureau chief of the Bureau of Exceptional Education and Student Services electronically each month that the school is in session. Redacted copies of such documentation must be updated monthly and made available to the public through the department's website no later than October 1, 2018.

(c) The department shall maintain aggregate data of incidents of ~~manual or physical~~ restraint or exclusionary or nonexclusionary time ~~and seclusion~~ and disaggregate the data for analysis by county, school, student exceptionality, and other variables, including the type and method of restraint or exclusionary or nonexclusionary time ~~seclusion~~ used. This information must ~~shall~~ be updated monthly and made available to the public through the department's website beginning no later than October 1, 2018.

(d) The department shall establish and provide to school districts standards for documenting, reporting, and monitoring the use of ~~manual or physical~~ restraint or mechanical restraint, and occurrences of exclusionary or nonexclusionary time ~~seclusion~~. ~~These standards shall be provided to school districts by October 1, 2011.~~

(8)(3) SCHOOL DISTRICT POLICIES AND PROCEDURES REGARDING RESTRAINT.—

(a) School districts shall develop policies and procedures that provide for the physical safety and security of all students and school personnel and which treat all students with respect and dignity in an environment that promotes a positive school culture and climate. Such ~~Each school district shall develop~~ policies and procedures must be ~~that are~~ consistent with this section and must ~~that~~ govern the following:



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273 1. A description of escalating behavioral strategies that
274 may be used.

275 2. Allowable use of restraint on students.

276 3. Training procedures.

277 ~~4.1. Incident-reporting procedures.~~

278 ~~5.2. Data collection and monitoring, including when, where,~~
279 ~~and why students are restrained and or secluded; the frequency~~
280 ~~of occurrences of such restraint or seclusion; and the prone or~~
281 ~~mechanical restraint that is most used.~~

282 ~~6.3. Monitoring and reporting of data collected.~~

283 ~~7.4. Training programs and procedures relating to manual or~~
284 ~~physical restraint and seclusion.~~

285 ~~8.5. The district's plan for selecting personnel to be~~
286 ~~trained and the timeframe for completing such training pursuant~~
287 ~~to subsection (4).~~

288 ~~9.6. The district's plan for reducing the use of restraint,~~
289 ~~and seclusion particularly in settings in which it occurs~~
290 ~~frequently or with students who are restrained repeatedly, and~~
291 ~~for reducing the use of prone restraint and mechanical~~
292 ~~restraint. The plan must include a goal for reducing the use of~~
293 ~~restraint and seclusion and must include activities, skills, and~~
294 ~~resources needed to achieve that goal. Activities may include,~~
295 ~~but are not limited to, all of the following:~~

296 a. Additional training in positive behavioral support and
297 crisis management.†

298 b. Parental involvement.†

299 c. Data review.†

300 d. Updates of students' functional behavioral analysis and
301 positive behavior intervention plans.†



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- e. Additional student evaluations.†
- f. Debriefing with staff.†
- g. Use of schoolwide positive behavior support.† and
- h. Changes to the school environment.
- 10. Analysis of data to determine trends.
- 11. Ongoing reduction of the use of restraint.

(b) Any revisions a school district makes to its ~~to the~~
~~district's~~ policies and procedures, which must be prepared as
part of the school district's ~~its~~ special policies and
procedures, must be filed with the bureau chief of the Bureau of
Exceptional Education and Student Services ~~no later than January~~
~~31, 2012.~~

(9) ~~(4)~~ PROHIBITED RESTRAINT.—School personnel may not use a
mechanical restraint or a ~~manual or physical~~ restraint that
restricts a student's breathing.

(10) ~~(5)~~ SECLUSION.—School personnel may not place a student
in seclusion ~~close, lock, or physically block a student in a~~
~~room that is unlit and does not meet the rules of the State Fire~~
~~Marshal for seclusion time-out rooms.~~

Section 2. Subsections (1) and (2) of section 1012.582,
Florida Statutes, are amended to read:

1012.582 Continuing education and inservice training for
teaching students with developmental and emotional or behavioral
disabilities.—

(1) The Commissioner of Education shall develop
recommendations to incorporate instruction regarding autism
spectrum disorder, Down syndrome, ~~and~~ other developmental
disabilities, and emotional or behavioral disabilities into
continuing education or inservice training requirements for



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instructional personnel. These recommendations shall address:

(a) Early identification of, and intervention for, students who have autism spectrum disorder, Down syndrome, ~~or~~ other developmental disabilities, or emotional or behavioral disabilities.

(b) Curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques.

(c) The use of available state and local resources.

(d) The use of positive behavioral supports to deescalate problem behaviors.

(e) Appropriate use of ~~manual~~ physical restraint and effective classroom behavior management strategies, including, but not limited to, differential reinforcement, precision commands, minimizing attention or access to other reinforcers, and exclusionary and nonexclusionary time methods ~~seclusion techniques.~~

(2) In developing the recommendations, the commissioner shall consult with the State Surgeon General, the Director of the Agency for Persons with Disabilities, representatives from the education community in the state, and representatives from entities that promote awareness about autism spectrum disorder, Down syndrome, ~~and~~ other developmental disabilities, and emotional or behavioral disabilities and provide programs and services to persons with ~~developmental~~ disabilities, including, but not limited to, regional autism centers pursuant to s. 1004.55.

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



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to students with disabilities in
public schools; amending s. 1003.573, F.S., relating
to the seclusion and restraint of students with
disabilities; defining terms; providing requirements
for the use of restraint; prohibiting specified
physical restraint techniques; providing requirements
for the use of exclusionary and nonexclusionary time;
providing requirements for school districts to report
and publish training procedures; providing for
student-centered followup; providing requirements for
documenting, reporting, and monitoring the use of
restraint and exclusionary or nonexclusionary time;
revising school district policies and procedures
relating to restraint; amending s. 1012.582, F.S.;
requiring continuing education and inservice training
for teaching students with emotional or behavioral
disabilities; conforming provisions to changes made by
the act; providing an effective date.

By Senator Book

32-00358-18

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A bill to be entitled

An act relating to students with disabilities in public schools; amending s. 1003.573, F.S., relating to the seclusion and restraint of students with disabilities; providing definitions; providing requirements for the use of restraint; prohibiting specified physical restraint techniques; providing requirements for the use of exclusionary and nonexclusionary time; providing requirements for school districts to report and publish training procedures; providing for student-centered followup; providing requirements for documenting, reporting, and monitoring the use of restraint and seclusion; revising school district policies and procedures relating to restraint and seclusion; amending s. 1012.582, F.S.; requiring continuing education and inservice training for teaching students with emotional or behavioral disabilities; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 1003.573, Florida Statutes, is amended to read:

1003.573 Seclusion and Use of restraint of and seclusion on students with disabilities in public schools.—

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

(a) "Department" means the Department of Education.

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

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(b) "Exclusionary time" means the period during which a student is removed from an event, activity, or instructional environment to encourage reflection on behavior and allow space and time for understanding of choices and consequences.

(c) "Imminent risk of serious injury or death" means the impending risk of a significant injury, such as a laceration, bone fracture, substantial hematoma, or injury to an internal organ, or death.

(d) "Medical protective equipment" means health-related protective devices prescribed by a physician or dentist for use as student protection in response to an existing medical condition.

(e) "Nonexclusionary time" means a period during which a student remains in the event or instructional environment but is redirected from the activities so that he or she has an opportunity to reflect on the behavior and is given space and time for understanding of choices and consequences.

(f) "Restraint" means the use of a mechanical or physical restraint which may be used only when all other behavioral strategies and intervention techniques have been exhausted.

1. "Mechanical restraint" means the use of a device that restricts a student's freedom of movement. The term does not include the use of any of the following:

a. Medical protective equipment.

b. Behavioral protective equipment, including helmets, gloves, wraps, and other devices that are used temporarily to prevent severe tissue damage caused by behavioral excesses.

c. Physical equipment or orthopedic appliances, surgical dressings or bandages, or supportive body bands or other

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restraints necessary for ongoing medical treatment in the educational setting.

d. Devices used to support functional body position or proper balance, or to prevent a person from falling out of a bed or a wheelchair, except when such a device is used for a purpose other than supporting a body position or proper balance, such as coercion, discipline, convenience, or retaliation, to prevent imminent risk of serious injury or death of the student or others, or for any other behavior management reason.

e. Equipment used for safety during transportation, such as seatbelts or wheelchair tie-downs.

2. "Physical restraint" means the use of manual restraint techniques that involve significant physical force applied by a teacher or other staff member to restrict the movement of all or part of a student's body.

(g) "Seclusion" means the removal of a student from an educational environment, involuntarily confining the student in a room or area, and preventing the student from leaving the area by locking or artificially blocking the door. The term does not include exclusionary time.

(h) "Student" means a student with a functional behavioral assessment and an individualized behavior intervention plan.

(2) PHYSICAL RESTRAINT.—

(a) Physical restraint may be used only when there is an imminent risk of serious injury or death to the student or others and only for the period of time necessary to eliminate such risk.

(b) Notwithstanding the authority provided in s. 1003.32, physical restraint shall be used only to protect the safety of

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students, school personnel, or others and may not be used for student discipline, to correct student noncompliance, or for the convenience of school district staff. Physical restraint shall be used only for the period needed to provide such protection.

(c) The degree of force applied during physical restraint must be only that degree of force necessary to protect the student or others from serious injury or death.

(d) School personnel who have received training that is not associated with their employment with the school district, such as a former law enforcement officer who is now a teacher, shall receive training in the specific district-approved techniques and may not apply techniques or procedures acquired elsewhere.

(e) School personnel may not use any of the following physical restraint techniques on a student:

1. Pain inducement to obtain compliance.

2. Bone locks.

3. Hyperextension of joints.

4. Peer restraint.

5. Pressure or weight on the chest, lungs, sternum, diaphragm, back, or abdomen causing chest compression.

6. Straddling or sitting on any part of the body or any maneuver that places pressure, weight, or leverage on the neck or throat, on an artery, or on the back of the head or neck or that otherwise obstructs or restricts the circulation of blood or obstructs an airway.

7. Any type of choking, including hand chokes, and any type of neck or head hold.

8. A technique that involves spraying or pushing anything on or into the mouth, nose, eyes, or any part of the face or

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that involves covering the face or body with anything, including soft objects such as pillows or washcloths.

9. Any maneuver that involves punching, hitting, poking, pinching, or shoving.

(3) EXCLUSIONARY AND NONEXCLUSIONARY TIME.—

(a) School personnel may place a student in exclusionary or nonexclusionary time if all of the following conditions are met:

1. The exclusionary or nonexclusionary time is part of a positive behavioral intervention plan developed for the student from a functional behavioral assessment and referenced in the student's individualized behavior intervention plan.

2. There is documentation that the exclusionary or nonexclusionary time was preceded by the use of other positive behavioral supports that were not effective.

3. The exclusionary or nonexclusionary time takes place in a classroom or in another environment where class educational activities are taking place.

4. The student is not physically prevented from leaving the exclusionary or nonexclusionary time area.

5. The student is observed on a constant basis by an adult for the duration of the exclusionary or nonexclusionary time.

6. The exclusionary or nonexclusionary time area and process are free of any action that is likely to embarrass or humiliate the student.

(b) Exclusionary or nonexclusionary time may not be used for a period that exceeds 1 minute for each year of a student's age or until the student is calm enough to return to his or her seat.

(c) Exclusionary or nonexclusionary time may not be used as

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a punishment or negative consequence of a student's behavior.

(4) TRAINING.—

(a) Each school district shall report its procedures for training in the use of restraint to the department by publishing the procedures in the district's special policies and procedures manual.

(b) Training in the use of restraint must include all of the following:

1. Procedures for deescalating a problem behavior before the problem behavior increases to a level or intensity necessitating physical intervention.

2. Information regarding the risks associated with restraint and procedures for assessing individual situations and students in order to determine whether the use of restraint is appropriate and sufficiently safe.

3. The actual use of specific techniques that range from the least to most restrictive, with ample opportunity for trainees to demonstrate proficiency in the use of such techniques.

4. Techniques for implementing restraint with multiple staff members working as a team.

5. Techniques for assisting a student in reentering the instructional environment and reengaging in learning.

6. Instruction in the district's documentation and reporting requirements.

7. Procedures to identify and deal with possible medical emergencies arising during the use of restraint.

8. Cardiopulmonary resuscitation.

(5) STUDENT-CENTERED FOLLOWUP.—If a student is restrained

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more than twice during a semester, the school shall conduct a review of:

(a) The incidents in which restraint was used and an analysis of how future incidents may be avoided;

(b) The student's functional behavioral assessment and positive behavioral intervention plan by the school personnel and parent within two weeks before the end of the semester; and

(c) The training provided to school personnel concerning the use of restraint.

(6)(f) DOCUMENTATION AND REPORTING.—

(a) At the beginning of each school year, a school district shall publicly post its policies on all emergency procedures, including its policies on the use of restraint and seclusion.

(b)(a) A school shall prepare an incident report within 24 hours after a student is released from restraint ~~or seclusion~~. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report must be completed by the end of the school day on the day the school reopens.

(c)(b) The following must be included in the incident report:

1. The name of the student restrained ~~or secluded~~.
2. The age, grade, ethnicity, and disability of the student restrained ~~or secluded~~.
3. The date and time of the event and the duration of the restraint ~~or seclusion~~.
4. The location at which the restraint ~~or seclusion~~ occurred.
5. A description of the type of restraint used in terms

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established by the department ~~of Education~~.

6. The name of the person using or assisting in the restraint ~~or seclusion~~ of the student and the date the person was last trained in the use of restraint on students.

7. The name of any nonstudent who was present to witness the restraint ~~or seclusion~~.

8. A description of the incident, including all of the following:

a. The context in which the restraint ~~or seclusion~~ occurred.

b. The student's behavior leading up to and precipitating the decision to use ~~manual or physical~~ restraint ~~or seclusion~~, including an indication as to why there was an imminent risk of serious injury or death to the student or others.

c. The specific positive behavioral strategies used to prevent and deescalate the behavior.

d. What occurred with the student immediately after the termination of the restraint ~~or seclusion~~.

e. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint ~~or seclusion~~, documented according to district policies.

f. Evidence of steps taken to notify the student's parent or guardian.

(d)(e) A school shall notify the parent or guardian of a student each time ~~manual or physical~~ restraint ~~or seclusion~~ is used. Such notification must be in writing and provided before the end of the school day on which the restraint ~~or seclusion~~ occurs. Reasonable efforts must also be taken to notify the parent or guardian by telephone or ~~computer~~ e-mail, or both, and

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these efforts must be documented. The school shall obtain, and keep in its records, the parent's or guardian's signed acknowledgment that he or she was notified of his or her child's restraint ~~or seclusion~~.

~~(e) (d)~~ A school shall also provide the parent or guardian with the completed incident report in writing by mail within 3 school days after a student was ~~manually or physically~~ restrained ~~or secluded~~. The school shall obtain, and keep in its records, the parent's or guardian's signed acknowledgment that he or she received a copy of the incident report.

~~(7) (2)~~ MONITORING.—

(a) ~~Monitoring of~~ The use of ~~manual or physical~~ restraint ~~or seclusion~~ on students shall be monitored ~~occur~~ at the classroom, building, district, and state levels.

(b) Any documentation prepared by a school pursuant to ~~as required in~~ subsection ~~(6) (1)~~ shall be provided to the school principal, the district director of Exceptional Student Education, and the bureau chief of the Bureau of Exceptional Education and Student Services electronically each month that the school is in session.

(c) The department shall maintain aggregate data of incidents of ~~manual or physical~~ restraint and ~~seclusion~~ and disaggregate the data for analysis by county, school, student exceptionality, and other variables, including the type and method of restraint ~~or seclusion~~ used. This information shall be updated monthly and made available to the public through the department's website beginning no later than October 1, 2018.

(d) The department shall establish standards for documenting, reporting, and monitoring the use of ~~manual or~~

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~~physical restraint or mechanical restraint, and occurrences of seclusion~~. These standards shall be provided to school districts ~~by October 1, 2011.~~

~~(8) (3)~~ SCHOOL DISTRICT POLICIES AND PROCEDURES.—

(a) School districts shall develop policies and procedures that provide for the physical safety and security of all students and school personnel and which treat all students with respect and dignity in an environment that promotes a positive school culture and climate. Such ~~Each school district shall develop~~ policies and procedures must be ~~that are~~ consistent with this section and must ~~that~~ govern the following:

1. A description of escalating behavioral strategies that may be used.

2. Allowable use of restraint on students.

3. Training procedures.

4.1. Incident-reporting procedures.

5.2. Data collection and monitoring, including when, where, and why students are restrained and ~~or secluded~~, the frequency of occurrences of such restraint ~~or seclusion~~, ~~and the prone or mechanical restraint that is most used.~~

6.3. Monitoring and reporting of data collected.

7.4. Training programs and procedures relating to ~~manual or physical~~ restraint and ~~seclusion~~.

8.5. The district's plan for selecting personnel to be trained and the timeframe for completing such training pursuant to subsection (4).

9.6. The district's plan for reducing the use of restraint, ~~and seclusion~~ particularly in settings in which it occurs frequently or with students who are restrained repeatedly, ~~and~~

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291 ~~for reducing the use of prone restraint and mechanical~~
 292 ~~restraint.~~ The plan must include a goal for reducing the use of
 293 restraint ~~and seclusion~~ and must include activities, skills, and
 294 resources needed to achieve that goal. Activities may include,
 295 but are not limited to, all of the following:
 296 a. Additional training in positive behavioral support and
 297 crisis management.
 298 b. Parental involvement.
 299 c. Data review.
 300 d. Updates of students' functional behavioral analysis and
 301 positive behavior intervention plans.
 302 e. Additional student evaluations.
 303 f. Debriefing with staff.
 304 g. Use of schoolwide positive behavior support, ~~and~~
 305 h. Changes to the school environment.
 306 10. Analysis of data to determine trends.
 307 11. Ongoing reduction of the use of restraint.
 308 (b) Any revisions a school district makes to its ~~to the~~
 309 ~~district's~~ policies and procedures, which must be prepared as
 310 part of the school district's ~~its~~ special policies and
 311 procedures, must be filed with the bureau chief of the Bureau of
 312 Exceptional Education and Student Services ~~no later than January~~
 313 ~~31, 2012.~~
 314 (9)(4) PROHIBITED RESTRAINT.—School personnel may not use
 315 straitjackets or a mechanical restraint or a manual or physical
 316 restraint that restricts a student's breathing.
 317 (10)(5) SECLUSION.—School personnel may not place a student
 318 in seclusion ~~close, lock, or physically block a student in a~~
 319 ~~room that is unlit and does not meet the rules of the State Fire~~

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

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320 ~~Marshal for seclusion time-out rooms.~~
 321 Section 2. Subsections (1) and (2) of section 1012.582,
 322 Florida Statutes, are amended to read:
 323 1012.582 Continuing education and inservice training for
 324 teaching students with developmental and emotional or behavioral
 325 disabilities.—
 326 (1) The Commissioner of Education shall develop
 327 recommendations to incorporate instruction regarding autism
 328 spectrum disorder, Down syndrome, ~~and~~ other developmental
 329 disabilities, and emotional or behavioral disabilities into
 330 continuing education or inservice training requirements for
 331 instructional personnel. These recommendations shall address:
 332 (a) Early identification of, and intervention for, students
 333 who have autism spectrum disorder, Down syndrome, ~~or~~ other
 334 developmental disabilities, or emotional or behavioral
 335 disabilities.
 336 (b) Curriculum planning and curricular and instructional
 337 modifications, adaptations, and specialized strategies and
 338 techniques.
 339 (c) The use of available state and local resources.
 340 (d) The use of positive behavioral supports to deescalate
 341 problem behaviors.
 342 (e) Appropriate use of ~~manual~~ physical restraint and
 343 seclusion techniques and effective classroom behavior management
 344 strategies, including, but not limited to, differential
 345 reinforcement, precision commands, minimizing attention or
 346 access to other reinforcers, and exclusionary and
 347 nonexclusionary time methods.
 348 (2) In developing the recommendations, the commissioner

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349 shall consult with the State Surgeon General, the Director of
350 the Agency for Persons with Disabilities, representatives from
351 the education community in the state, and representatives from
352 entities that promote awareness about autism spectrum disorder,
353 Down syndrome, ~~and~~ other developmental disabilities, and
354 emotional or behavioral disabilities and provide programs and
355 services to persons with ~~developmental~~ disabilities, including,
356 but not limited to, regional autism centers pursuant to s.
357 1004.55.

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/6/18

Meeting Date

260

Bill Number (if applicable)

659794

Amendment Barcode (if applicable)

Topic Students with Disabilities

Name Danielle Wolf

Job Title Director of Business Development

Address 2244 Beachcomber Trail
Street

Phone 904-654-7008

Atlantic Beach, FL 32233
City State Zip

Email dwolf@crisisprevention.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Crisis Prevention Institute

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-6-18

Meeting Date

as amended
SB 260

Bill Number (if applicable)

659794

Amendment Barcode (if applicable)

Topic SB 260 Students w/ Disabilities

Name Margaret S. Hooper M.S.W.

Job Title Public Policy Coordinator

Address 124 Marr. St. Dr. #203

Street

Tallahassee, FL 32301

City

State

Zip

Phone 850-294-0052

Email Margaret.Hooper@FDDC.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing ^{the} Florida Developmental Disabilities Council

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/6/18

Meeting Date

260

Bill Number (if applicable)

659794

Amendment Barcode (if applicable)

Topic SECLUSION + RESTRAINT / TRAINING

Name JIM HORNE

Job Title PARTNER

Address PO BOX 8339

Street

FLEMING ISLAND FL 32006

City

State

Zip

Phone 904-259-4596

Email jhorne@strategosgroup.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Crisis Prevention Institute

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-6-2018

Meeting Date

260

Bill Number (if applicable)

Topic Students with Disabilities in Public Schools

Amendment Barcode (if applicable)

Name Erin Choy

Job Title Immediate Past Chair

Address 404 E. Sixth Avenue

Phone 5616354168

Street

Tallahassee

FL

32303

Email erin.choy@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Junior Leagues of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/6/18

Meeting Date

260

Bill Number (if applicable)

Topic Students With Disabilities

Amendment Barcode (if applicable)

Name Nancy Lawther

Job Title FL PTA
Legislative Committee member

Address 9140 SW 59 Ave

Phone 305 607 3837

Street

Miami FL

State

33136

Zip

Email nlawther@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

rc'd 9/25/17



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

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

SENATOR LAUREN BOOK

Democratic Leader Pro Tempore
32nd District

September 25, 2017

Chair Dorothy Hukill
Committee on Education
415 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chair Hukill,

I respectfully request that you place SB 260, relating to Students with Disabilities in Public Schools, on the agenda of the Committee on Education at your earliest convenience.

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

Thank you,

A handwritten signature in cursive script that reads "Lauren Book".

Senator Lauren Book
Senate District 32

cc: Shruti Graf, Staff Director
Laureen Zaugg, Administrative Assistant

REPLY TO:

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

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 844

INTRODUCER: Education Committee and Senator Bean

SUBJECT: Excess Credit Hour Surcharges

DATE: February 7, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Graf	ED	Fav/CS
2.			AHE	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 844 requires a state university to refund the assessed excess hour surcharge, for up to 12 credit hours, to any first-time-in-college student who completes a baccalaureate degree program within 4 years after initial enrollment in a state university.

The bill takes effect July 1, 2018.

II. Present Situation:

The Legislature established the excess credit hour surcharge in 2009¹ to encourage each undergraduate student who enrolls in a state university to complete the student's respective baccalaureate degree program in the most efficient way possible while providing for access to additional college coursework.² State universities must require a student to pay an excess hour surcharge for each credit hour in excess of the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled.³

The excess hour surcharge is effective for students who enter a state university for the first time and maintain continuous enrollment as follows:⁴

¹ Section 11, ch. 2009-60, L.O.F.

² Section 1009.286(1), F.S.

³ *Id.* at (2).

⁴ *Id.*

- For the 2009-2010 and 2010-2011 academic years, an excess hour surcharge equal to 50 percent of the tuition rate for each credit hour in excess of 120 percent.
- For the 2011-2012 academic year, an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 115 percent.
- For the 2012-2013 academic year and thereafter, an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 110 percent.

For example, under current law, a student enrolled in a 120 credit hour baccalaureate degree program may take up to 132 credit hours (or 110 percent) before being assessed the excess hour surcharge for each credit hour in excess of the 120 credit hour degree requirement. Similarly, a student enrolled in a 130 credit hour baccalaureate degree program may take up to 143 credit hours (or 110 percent) before being assessed the excess hour surcharge for each credit hour in excess of the 130 credit hour degree requirement.

All credit hours for courses taken at the state university from which the student is seeking a baccalaureate degree are included when calculating the number of hours taken by a student, including:⁵

- Failed courses.
- Courses that are dropped after the university's advertised last day of the drop and add period.
- Courses from which a student withdraws, except those specified in law.⁶
- Repeated courses, except repeated courses for which the student has paid the full cost of instruction as provided in law.⁷

In addition, all credit hours earned at another institution and accepted for transfer by the state university and applied toward the student's baccalaureate degree program are included when calculating the number of hours taken by the student.⁸

Credit hours earned under the following circumstances are not calculated as hours required to earn a baccalaureate degree:⁹

- College credits earned through an articulated accelerated mechanism identified in law.¹⁰
- Credit hours earned through internship programs.
- Credit hours required for certification, recertification, or certificate programs.
- Credit hours in courses from which a student must withdraw due to reasons of medical or personal hardship.
- Credit hours taken by active-duty military personnel.
- Credit hours required to achieve a dual major taken while pursuing a baccalaureate degree.
- Remedial and English as a Second Language credit hours.

⁵ Section 1009.286(3)(a), F.S.

⁶ *Id.* at (4).

⁷ Section 1009.285, F.S.

⁸ Section 1009.286(3)(b), F.S.

⁹ *Id.* at (4).

¹⁰ Section 1007.27, F.S. Articulated acceleration mechanisms include, but are not limited to, dual enrollment and early admission, advanced placement, credit by examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. *Id.*

- Credit hours earned in military science courses that are part of the Reserve Officers' Training Corps (ROTC) program.

III. Effect of Proposed Changes:

CS/SB 844 requires a state university to refund the assessed excess hour surcharge, for up to 12 credit hours, to any first-time-in-college student who completes a baccalaureate degree program within 4 years after initial enrollment in a state university.

Accordingly, under the bill, a student enrolled in a 120 credit hour baccalaureate degree program who graduates in 4 years after initial enrollment at a state university may take up to 144 credit hours without an excess hour surcharge. Under current law, such student may take up to 132 credit hours (or 110 percent) before being assessed the excess hour surcharge for each credit hour in excess of the 120 credit hour degree requirement. Under the bill, the student may take an additional 12 credit hours (up to 144 credit hours) beyond the existing 110 percent excess hour threshold, for which the excess hour surcharge will be refunded.

The bill may encourage more students to graduate within four years. The Board of Governors reports that 14,284 first-time-in-college students in the 2015-2016 graduating class graduated within 48 months.¹¹ Ten percent (or 1,450) of those students earned excess credit hours, which totaled 12,000 excess credit hours.¹² Accordingly, each of the 1,450 students in the 2015-2016 graduating class who was assessed the excess hour surcharge generated an average of 8 credit hours in excess of his or her baccalaureate degree credit hour requirement.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹¹ Board of Governors, *2018 Agency Bill Analysis for SB 844* (Dec. 15, 2017), at 3.

¹² *Id.*

B. Private Sector Impact:

CS/SB 844 may result in cost savings, in the form of refunds, for students who generate excess credit hours, but who graduate with a baccalaureate degree within 4 years of initial enrollment.

C. Government Sector Impact:

Based on data from the Board of Governors for the 2015-16 graduating class, state universities may be required to refund approximately \$2.4 million to students who were assessed the excess hour surcharge, but who graduated in 4 years.¹³ This estimate is based on 1,450 identified first-time-in-college students who generated 12,000 excess credit hours, but graduated in 4 years.¹⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1009.286 of the Florida Statutes.

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

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

CS by Education on February 6, 2018:

The committee substitute:

- Modifies the bill provision regarding the application of the excess hour surcharge for first-time-in-college students who graduate with a baccalaureate degree in 4 years. Specifically, the committee substitute requires a state university to refund the assessed excess hour surcharge, for up to 12 credit hours, to any first-time-in-college student who completes a baccalaureate degree program within 4 years after initial enrollment in a state university.
- Removes from the bill the provision specifying the assessment of the excess hour surcharge for each credit hour in excess of 120 percent of the credit hours required to complete the baccalaureate degree for students enrolled in a degree program designated by the Board of Governors as an area of strategic emphasis in a science, technology, engineering, mathematics, or health discipline.

¹³ Board of Governors, *2018 Agency Bill Analysis for SB 844* (Dec. 15, 2017), at 4.

¹⁴ *Id.*

B. Amendments:

None.

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



495428

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2018	.	
	.	
	.	
	.	

The Committee on Education (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (c) of subsection (2) of section
1009.286, Florida Statutes, is amended to read:

1009.286 Additional student payment for hours exceeding
baccalaureate degree program completion requirements at state
universities.—

(2) State universities shall require a student to pay an
excess hour surcharge for each credit hour in excess of the



495428

number of credit hours required to complete the baccalaureate degree program in which the student is enrolled. The excess hour surcharge shall become effective for students who enter a state university for the first time and maintain continuous enrollment as follows:

(c) For the 2012-2013 academic year and thereafter, an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 110 percent. Notwithstanding the requirements of this subsection, the state university shall refund the excess hour surcharge assessed pursuant to this paragraph, for up to 12 credit hours, to any first-time-in-college student who completes a baccalaureate degree program within 4 years after initial enrollment in a state university.

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

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to excess credit hour surcharges;
amending s. 1009.286, F.S.; requiring a state
university to return up to a specified amount of
assessed excess credit hour surcharges to first-time-
in-college students who meet certain requirements;
providing an effective date.

By Senator Bean

4-01155-18

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A bill to be entitled

An act relating to excess credit hour surcharges; amending s. 1009.286, F.S.; providing an exception to the excess credit hour surcharge requirement for certain students; providing a separate excess hour surcharge threshold for students enrolled in certain degree programs designated as areas of strategic emphasis by the Board of Governors; providing an effective date.

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

Section 1. Subsection (2) of section 1009.286, Florida Statutes, is amended to read:

1009.286 Additional payment for hours exceeding baccalaureate degree program completion requirements at state universities.—

(2) State universities shall require a student to pay an excess hour surcharge for each credit hour in excess of the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled. The excess hour surcharge does not apply to a first-time-in-college student who completes the requirements of his or her respective baccalaureate degree program within 4 years. The excess hour surcharge shall become effective for students who enter a state university for the first time and maintain continuous enrollment as follows:

(a) For the 2009-2010 and 2010-2011 academic years, an excess hour surcharge equal to 50 percent of the tuition rate

Page 1 of 2

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for each credit hour in excess of 120 percent.

(b) For the 2011-2012 academic year, an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 115 percent.

(c) For the 2012-2013 academic year and thereafter, an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 110 percent. However, for students enrolled in a degree program designated by the Board of Governors as an area of strategic emphasis in a science, technology, engineering, mathematics, or health discipline there is an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 120 percent.

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

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/6/18
Meeting Date

as amended
SB 844
Bill Number (if applicable)

Topic Excess Credit Hour

Amendment Barcode (if applicable)

Name Nancy Lawther

Job Title FL PTA
Legislation Committee member

Address 9140 SW 59 Ave
Street

Phone _____

Miami FL
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Dorothy L. Hukill, Chair
Committee on Education

Subject: Committee Agenda Request

Date: November 30, 2017

I respectfully request that **Senate Bill #844**, relating to Excess Credit Hour Surcharges, be placed on the:

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

A handwritten signature in cursive script that reads "Aaron Bean".

Senator Aaron Bean
Florida Senate, District 4

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 1234

INTRODUCER: Education Committee and Senator Baxley

SUBJECT: Free Expression on Campus

DATE: February 7, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff	Graf	ED	Fav/CS
2.			JU	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1234 establishes the “Campus Free Expression Act,” (the Act) to authorize individuals to engage in expressive activity on public institutions of higher education campuses, within reasonable limits enforced by such institutions. Specifically, the bill:

- Authorizes a person who wishes to engage in an expressive activity in the outdoor areas of campus of a public institution of higher education to do so freely, spontaneously, and contemporaneously as long as the person’s conduct is lawful and does not materially and substantially disrupt the functioning of the public institution.
- Designates the outdoor areas of campus of a public institution of higher education that accepts federal funding as traditional public forums and specifies that such public institution may create and enforce restrictions that are:
 - Reasonable and content-neutral on time, place, and manner of expression.
 - Narrowly tailored to a significant institutional interest.
- Prohibits a public institution of higher education from designating a specific area as a free speech zone or otherwise restricting expressive activities to a particular area of campus.
- Establishes a cause of action for a violation of the Act and specifies available damages and a statute of limitations associated with such action.
- Requires a state university student government organization to provide a written explanation regarding the funding determination to a recognized student organization that submits a request for activity and service fee funding.
- Requires each student government association to maintain on its website an organized record of the funding requests and awards it receives and requests.

The bill takes effect July 1, 2018.

II. Present Situation:

Freedom of speech is the right to engage in expression without censorship or interference from government or its agencies.¹

Free Speech and Expression

Both the U.S. Constitution and Florida Constitution provide that every person may speak, write, and publish sentiments on all subjects.² However, an individual's freedom of speech or expression may be limited by the government if the speech or expression occurs on government-owned property, such as a public elementary, middle, or high school, or at a public university.³ Such limitations are determined by the type of public forum created on government property.⁴

There are three types of public forums:⁵

- A “traditional” or “open public forum”⁶ is a place with a longstanding tradition of freedom of expression, such as a public park or street corner. In an open public forum, the government may only impose content-neutral time, place, and manner restrictions on speech and expression.⁷
- A “designated” or “limited public forum”⁸ is a place with a more limited history of expressive activity, usually only for certain groups or topics. Examples may include a university meeting hall.⁹ Such limitations must serve a compelling state interest.¹⁰
- A “closed public forum” is a place that is not traditionally open to public expression, such as a military base.¹¹

Generally, student speech and religious expression are protected by the First Amendment of the U.S. Constitution.¹² However, such rights may be limited.¹³ A student's right to freedom of speech and expression is protected to the extent it does not “materially and substantially interfere

¹ See *Perry Education Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983).

² U.S. CONST. amend. 1 (Congress shall make no law abridging the freedom of speech.); Art. I, s. 4, Fla. Const. (Every person may speak, write and publish sentiments on all subjects but shall be responsible for the abuse of that right.)

³ *International Society for Krishna Consciousness, Inc. v. Lee*, 505 U.S. 672, 678 (1992).

⁴ *Id.* at 678-79.

⁵ *Id.*

⁶ First Amendment Schools, *What is a public forum?* <http://www.firstamendmentschools.org/freedoms/faq.aspx?id=13012>, (last visited Feb. 5, 2018); see *Perry Education Association v. Perry Local Educators Association*, 460 U.S. 37, 45-46 (1992).

⁷ *Perry*, 460 U.S. at 45-46.

⁸ First Amendment Schools, *What is a public forum?* <http://www.firstamendmentschools.org/freedoms/faq.aspx?id=13012>, (last visited Feb. 5, 2018); see *Perry*, 460 U.S. at 45-46.

⁹ *Perry*, 460 U.S. at 45-46.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 506, 513-514 (1969) (stating “First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gates.”); see *Mergens*, 496 U.S. at 230, 250 (1990) and *Chandler v. Siegelman*, 230 F.3d 1313, 1316-1317 (11th Cir. 2001) *cert. denied*, 533 U.S. 916 (2001) (religious expression).

¹³ *Tinker*, 393 U.S. at 506, 512-13.

with the requirements of appropriate discipline in the operation of the school and without colliding with the rights of others.”¹⁴

Free Speech on Public Institutions of Higher Education

Public entities may preserve property under their control for its intended use by imposing restrictions on access to limited public fora that are viewpoint neutral and reasonable given the forum’s purpose.¹⁵ The United States Supreme Court extends such constitutional protections to public higher education institutions and has specifically recognized that “the college classroom with its surrounding environs is peculiarly the ‘marketplace of ideas.’”¹⁶ Public university and college campuses are generally considered limited public fora for purposes of regulating speech and the United States Supreme Court has ruled that public universities and colleges are forbidden from exercising any type of viewpoint discrimination, even when the limited public forum is of its own creation.¹⁷ However, reasonable time, place, and manner restrictions consistent with the purpose of the limited public forum have frequently been upheld.¹⁸

State University Student Activity Fees

Florida law authorizes postsecondary education institutions to charge tuition¹⁹ and specified fees to students enrolled in college credit program, unless as otherwise provided.²⁰ Specifically, each university board of trustees must establish a student activity and service fee on the main campus of the university and is permitted to establish such fee on any branch campus or center.²¹ The law prescribes requirements for an activity and service fee committee and processes for increasing such fee.²²

Student activity and service fees must be expended for lawful purposes to benefit the student body in general.²³ This must include, but is not limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the university without regard to race, sex, or religion.²⁴ The fund may not benefit activities for which

¹⁴ *Tinker*, 393 U.S. at 513.

¹⁵ *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995); *Lamb’s Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 390 (1993).

¹⁶ *Healy v. James*, 408 U.S. 169, 180 (1972).

¹⁷ *Rosenberger*, 515 U.S. 819, 829 (1995) (stating “The necessities of confining a forum to the limited and legitimate purposes for which it was created may justify the State in reserving it for certain groups or for the discussion of certain topics... Once it has opened a limited forum, however, the State must respect the lawful boundaries it has itself set.”)

¹⁸ See *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675, 683 (1986) (finding that a high school could restrict a student’s lewd speech at a school assembly where the manner of speech was inconsistent with the forum’s purpose; see also *Morse v. Frederick*, 551 U.S. 393, 409 (2007) (finding a student held banner with the words “BONG HiTS 4 JESUS” during a nationally televised event was an inappropriate method of communicating a political idea that disrupted the purpose of the forum).

¹⁹ Tuition means the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state. A charge for any other purpose is not included in this fee. Section 1009.01(1), F.S.

²⁰ Sections 1009.23(2) and 1009.24(2), F.S.

²¹ Section 1009.24(10)(a), F.S.

²² *Id.*

²³ *Id.* at (10)(b).

²⁴ *Id.*

an admission fee is charged to students, except for student-government-association-sponsored concerts.²⁵

The student government association of the university must determine the allocation and expenditure of the student activity and service fee, except that the president of the university may veto any line item or portion thereof within the budget when submitted by the student government association legislative body.²⁶ Any unexpended and undispersed funds remaining at the end of a fiscal year must be carried over and remain in the student activity and service fund and be available for allocation and expenditure during the next fiscal year.²⁷

III. Effect of Proposed Changes:

CS/SB 1234 establishes the “Campus Free Expression Act,” (the Act) to authorize individuals to engage in expressive activity on public institutions of higher education campuses, within reasonable limits enforced by such institutions. Specifically, the bill:

- Authorizes a person who wishes to engage in an expressive activity in the outdoor areas of campus of a public institution of higher education may do so freely, spontaneously, and contemporaneously as long as the person’s conduct is lawful and does not materially and substantially disrupt the functioning of the public institution.
- Designates the outdoor areas of campus of a public institution of higher education that accepts federal funding as traditional public forums and specifies that such public institution may create and enforce restrictions that are:
 - Reasonable and content-neutral on time, place, and manner of expression.
 - Narrowly tailored to a significant institutional interest.
- Prohibits a public institution of higher education from designating a specific area as a free speech zone or otherwise restricting expressive activities to a particular area of campus.
- Establishes a cause of action for a violation of the Act and specifies available damages and a statute of limitations associated with such action.
- Requires a state university student government organization to provide a written explanation regarding the funding determination to a recognized student organization that submits a request for activity and service fee funding.
- Requires each student government association to maintain on its website an organized record of the funding requests and awards it receives and requests.

Definitions

The bill defines:

- A public institution of higher education to mean any public technical center, state university, law school, medical school, dental school, or Florida College System institution as defined in law.²⁸
- A free speech zone to mean a designated area on a public institution of higher education’s campus for the purpose of political protesting.

²⁵ Section 1009.24(10)(b), F.S.

²⁶ *Id.*

²⁷ *Id.*

²⁸ The bill references the definition of Florida College System institution under section 1000.21, F.S.

- Outdoor area of campus to mean a generally accessible area of the campus where members of the campus community are commonly allowed, including grassy areas, walkways, or other similar common areas. The bill specifies that the term does not include outdoor areas where access is restricted.

Right to Free Speech Activities

The bill provides that the Act protects expressive activities which include, but are not limited to, any lawful verbal or written means by which an individual may communicate ideas to others, including:

- All forms of peaceful assembly, protests, speeches, and guest speakers;
- Distributing literature;
- Carrying signs;
- Circulating petitions; and
- The recording and publication, including Internet publication, of video or audio recorded in outdoor areas of campus of public institutions of higher education.

The bill also specifies that a person who wishes to engage in an expressive activity in the outdoor areas of campus of a public institution of higher education may do so freely, spontaneously, and contemporaneously as long as the person's conduct is lawful and does not materially and substantially disrupt the functioning of the public institution of higher education.

The bill identifies the outdoor areas of campus of a public institution of higher education that accept federal funding as traditional public forums and authorizes a public institution of higher education to create and enforce restrictions that are:

- Reasonable and content-neutral on time, place, and manner of expression.
- Narrowly tailored to a significant institutional interest.

The bill states that any such restrictions must be clear, be published, and provide for ample alternative means of expression.

Additionally, the bill prohibits:

- A public institution of higher education from designating any area of campus as a free speech zone or otherwise creating policies that restrict expressive activities to a particular area of campus.
- Students, faculty, and staff of a public institution of higher education from materially disrupting previously scheduled or reserved activities on campus that occur at the same time as the free expression.

The provisions of the bill appear to be consistent with the federal and state constitutions. The bill provides that the outdoor areas of campus of a public institution of higher education are traditional public forums.

State University Student Activity Fees

The bill requires a student government organization that receives a funding request for activity and service fee funding from a recognized student organization to provide a written explanation

to the recognized student organization regarding the funding determination. Additionally, the bill requires each student government association requires each student government association to maintain on its website an organized record of the funding requests and awards it receives and disburses. The bill provides that this record must contain the:

- Name of each organization that requested funds,
- Amount the organization requested,
- Amount the organization received, and
- Written explanation regarding the funding determination, required by the bill.

The bill specifies that this organized record must be displayed prominently on the student government association's website. Accordingly, the bill may provide the public with data regarding state university student government associations' funding determinations.

Cause of Action

The bill creates a cause of action, whereby if a public institution of higher education or an individual acting on behalf of a public institution of higher education willfully violates a person's expressive rights by an action prohibited under the Act, the Florida Attorney General or a person whose expressive rights are violated may bring an action in court of competent jurisdiction to recover compensatory damages, reasonable court costs, and attorney fees.

The bill provides that if such court finds that a violation of the Act occurred, the court must award the aggrieved party at least \$500 for each violation, or award compensatory damages. The bill limits the total compensatory damages available to a plaintiff in a case arising from a single violation of the Act to \$100,000, excluding reasonable court costs and attorney fees. The bill specifies that in the event of multiple plaintiffs, the court must divide the damages equally among the plaintiffs until the maximum award is exhausted.

Additionally, the bill provides a one-year statute of limitations for a cause of action. Accordingly, the Attorney General or a person aggrieved by a violation of this section must bring suit against the institution no later than 1 year after the date the cause of action accrues. The bill specifies that for purposes of the one-year statute of limitations, each day that a violation of the Act persists or each day that a policy in violation of the Act remains in effect constitutes a new violation of, and therefore, a new day that the cause of action accrues.

Accordingly, the bill provides a specific remedy in law for an individual whose expressive rights have been violated by a public institution of higher education.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1009.24 of the Florida Statutes.
This bill creates section 1004.097 of the Florida Statutes.

IX. Additional Information:

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

CS by Education on February 6, 2018.

The committee substitute retains the substance of the bill with the following modifications:

- Adds to the bill a provision related to state university student fees to:
 - Require a student government organization to provide a written explanation regarding the funding determination to a recognized student organization that submits a request for activity and service fee funding.
 - Require each student government association to maintain on its website an organized record of the funding requests and awards it receives and requests.

- Revises the bill provision related to compensatory damages associated with the cause of action to provide the aggrieved party at least \$500 per violation and removes from the bill the \$50 limit for additional violations.
- Clarifies the definition of a public institution of higher education in the bill to remove state college from that definition and maintains in the definition the reference to Florida College System institution as defined in law.

B. Amendments:

None.

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



101332

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2018	.	
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The Committee on Education (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 30 - 90
and insert:
public technical center, state university, law school, medical
school, dental school, or Florida College System institution as
defined in s. 1000.21.

(2) RIGHT TO FREE SPEECH ACTIVITIES.-

(a) Expressive activities protected under this section
include, but are not limited to, any lawful verbal or written
means by which an individual may communicate ideas to others,



101332

12 including all forms of peaceful assembly, protests, speeches,
13 and guest speakers; distributing literature; carrying signs;
14 circulating petitions; and the recording and publication,
15 including Internet publication, of video or audio recorded in
16 outdoor areas of campus of public institutions of higher
17 education.

18 (b) A person who wishes to engage in an expressive activity
19 in the outdoor areas of campus of a public institution of higher
20 education may do so freely, spontaneously, and contemporaneously
21 as long as the person's conduct is lawful and does not
22 materially and substantially disrupt the functioning of the
23 public institution of higher education.

24 (c) The outdoor areas of campus of a public institution of
25 higher education that accept federal funding are considered
26 traditional public forums. A public institution of higher
27 education may create and enforce restrictions that are
28 reasonable and content-neutral on time, place, and manner of
29 expression and that are narrowly tailored to a significant
30 institutional interest. Restrictions must be clear, be
31 published, and provide for ample alternative means of
32 expression.

33 (d) A public institution of higher education may not
34 designate any area of campus as a free speech zone or otherwise
35 create policies restricting expressive activities to a
36 particular area of campus.

37 (e) Students, faculty, or staff of a public institution of
38 higher education may not materially disrupt previously scheduled
39 or reserved activities on campus occurring at the same time.

40 (3) CAUSE OF ACTION; DAMAGES.—



101332

(a) The Attorney General or a person whose expressive rights are violated by an action prohibited under this section may bring an action in a court of competent jurisdiction against the public institution of higher education to recover compensatory damages plus court costs and a reasonable attorney fee. If the court finds that a violation of this section occurred, the court shall award the aggrieved party at least \$500 for each violation or shall award compensatory damages.

(b) Excluding reasonable court costs and attorney fees, the total compensatory damages available to a plaintiff in a case arising from a single violation of this section may not exceed \$100,000. If there are multiple plaintiffs, the court shall divide the damages equally among the plaintiffs until the maximum award is exhausted.

(4) STATUTE OF LIMITATIONS.—A person aggrieved by a violation of this section must bring suit no later than 1 year after the date the cause of action accrues. For the purpose of calculating the 1-year limitation period, each day that a violation of this section persists or each day that a policy in violation of this section remains in effect constitutes a new violation and, therefore, a new day that the cause of action accrues.

Section 3. Paragraphs (c) and (d) are added to subsection (10) of section 1009.24, Florida Statutes, to read:

1009.24 State university student fees.—

(10)

(c) In the interest of preserving viewpoint neutrality in the allocation of activity and service fees, a student government organization that receives a request for activity and



101332

service fee funding from a recognized student organization must
provide a written explanation to the recognized student
organization regarding its funding determination.

(d) Each student government association shall maintain on
its website an organized record of the funding requests and
awards it receives and disburses. The record must contain the
name of each organization that requested funds, the amount the
organization requested, the amount the organization received,
and the written explanation required in paragraph (c). The
record must be displayed prominently on the student government
association's website.

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

And the title is amended as follows:

Delete line 10

and insert:

providing a statute of limitations; amending s.
1009.24, F.S.; requiring student government
associations to provide specified information to
recognized student organizations that request funding;
requiring the organizations to maintain and
prominently display on their websites certain
information regarding such funding requests; providing
an



108472

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/06/2018	.	
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The Committee on Education (Thurston) recommended the following:

Senate Amendment to Amendment (101332)

Delete lines 24 - 26

and insert:

(c) A public institution of higher



492402

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/06/2018	.	
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The Committee on Education (Thurston) recommended the following:

Senate Amendment to Amendment (101332)

Delete line 39
and insert:
or reserved activities on campus occurring at the same time.
However, this section does not prohibit students, faculty, or
staff from engaging in counter-protests that are conducted in a
peaceful manner at previously scheduled or reserved activities
on campus.



215150

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/06/2018	.	
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The Committee on Education (Thurston) recommended the following:

Senate Amendment to Amendment (101332) (with title amendment)

Delete lines 40 - 62

and insert:

(3) SPEAKERS RESERVING CAMPUS FACILITIES.—

(a) Where space has been exclusively scheduled or reserved on campus for a speaker who has an agreement with a public institution of higher education, the students, faculty, or staff of the public institution of higher education may not intentionally and materially disrupt the scheduled activity in



215150

such a substantial manner as to prevent or foreclose the speaker from expressing his or her speech.

(b) Nothing in this section prohibits a person from expressing his or her protected speech rights and engaging in nonviolent, nonthreatening counter-protests.

(c) Public institutions shall make reasonable, good faith efforts to ensure that First Amendment speech is protected and that scheduled activities on campus are not prevented by counter-protestors.

(4) CAUSE OF ACTION.—A person whose First Amendment speech rights may have been violated at a public institution of higher education may bring a 42 U.S.C. s. 1983 suit alleging that his or her First Amendment rights have been infringed.

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

And the title is amended as follows:

Delete lines 84 - 86

and insert:

Delete lines 7-10

and insert:

activities on campus; allowing counter-protests under certain circumstances; providing for a cause of action against a public institution of higher education for violations of the act; amending s.



301064

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/06/2018	.	
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The Committee on Education (Thurston) recommended the following:

Senate Amendment to Amendment (101332) (with title amendment)

Delete lines 40 - 62.

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

And the title is amended as follows:

Delete lines 84 - 86

and insert:

Delete lines 7-10

and insert:



301064

12 | activities on campus; amending s.



725138

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/06/2018	.	
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The Committee on Education (Baxley) recommended the following:

Senate Amendment to Amendment (101332)

Delete lines 41 - 42
and insert:

(a) If a public institution of higher education or an individual acting on behalf of a public institution of higher education willfully violates a person's expressive rights by an action prohibited under this section, the Attorney General or the person



704918

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/06/2018	.	
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The Committee on Education (Thurston) recommended the following:

Senate Amendment

Delete line 64
and insert:
or reserved activities on campus occurring at the same time.
However, this section does not prohibit students, faculty, or
staff from engaging in a counter-protest that is conducted in a
peaceful manner during such activities on campus.



534074

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/06/2018	.	
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The Committee on Education (Thurston) recommended the following:

Senate Amendment (with title amendment)

Delete lines 65 - 90.

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

And the title is amended as follows:

Delete lines 7 - 10

and insert:

activities on campus; providing an



520604

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/06/2018	.	
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The Committee on Education (Thurston) recommended the following:

Senate Amendment

Delete lines 43 - 46
and insert:

(b) A member of the campus community who wishes to engage
in an expressive activity in the outdoor areas of campus of a
public institution of higher education may do so freely,
spontaneously, and contemporaneously as long as his or her
conduct is lawful and does not



838782

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/06/2018	.	
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The Committee on Education (Thurston) recommended the following:

Senate Amendment

Delete lines 49 - 51
and insert:
(c) A public institution of higher

By Senator Baxley

12-00788B-18

20181234

A bill to be entitled

An act relating to free expression on campus;
providing a short title; creating s. 1004.097, F.S.;
defining terms; providing applicability; authorizing a
public institution of higher education to create and
enforce certain restrictions relating to expressive
activities on campus; providing for a cause of action
against a public institution of higher education for
violations of the act; providing for damages;
providing a statute of limitations; providing an
effective date.

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

Section 1. This act may be cited as the "Campus Free
Expression Act."

Section 2. Section 1004.097, Florida Statutes, is created
to read:

1004.097 Free expression on campus.—

(1) DEFINITIONS.—

(a) "Free speech zone" means a designated area on a public
institution of higher education's campus for the purpose of
political protesting.

(b) "Outdoor areas of campus" means generally accessible
areas of the campus where members of the campus community are
commonly allowed, including grassy areas, walkways, or other
similar common areas. The term does not include outdoor areas
where access is restricted.

(c) "Public institution of higher education" means any

12-00788B-18

20181234

public technical center, state college, state university, law
school, medical school, dental school, or other Florida College
System institution as defined in s. 1000.21.

(2) RIGHT TO FREE SPEECH ACTIVITIES.—

(a) Expressive activities protected under this section
include, but are not limited to, any lawful verbal or written
means by which an individual may communicate ideas to others,
including all forms of peaceful assembly, protests, speeches,
and guest speakers; distributing literature; carrying signs;
circulating petitions; and the recording and publication,
including Internet publication, of video or audio recorded in
outdoor areas of campus of public institutions of higher
education.

(b) A person who wishes to engage in an expressive activity
in the outdoor areas of campus of a public institution of higher
education may do so freely, spontaneously, and contemporaneously
as long as the person's conduct is lawful and does not
materially and substantially disrupt the functioning of the
public institution of higher education.

(c) The outdoor areas of campus of a public institution of
higher education that accept federal funding are considered
traditional public forums. A public institution of higher
education may create and enforce restrictions that are
reasonable and content-neutral on time, place, and manner of
expression and that are narrowly tailored to a significant
institutional interest. Restrictions must be clear, be
published, and provide for ample alternative means of
expression.

(d) A public institution of higher education may not

12-00788B-18 20181234__

59 designate any area of campus as a free speech zone or otherwise
 60 create policies restricting expressive activities to a
 61 particular area of campus.

62 (e) Students, faculty, or staff of a public institution of
 63 higher education may not materially disrupt previously scheduled
 64 or reserved activities on campus occurring at the same time.

65 (3) CAUSE OF ACTION; DAMAGES.—

66 (a) The Attorney General or a person whose expressive
 67 rights are violated by an action prohibited under this section
 68 may bring an action in a court of competent jurisdiction to
 69 recover compensatory damages, reasonable court costs, and
 70 attorney fees.

71 (b) If the court finds that a violation of this section
 72 occurred, the court shall award the aggrieved party a minimum of
 73 \$500 for the initial violation plus an additional \$50 for each
 74 day the violation remains ongoing starting the day after the
 75 date the complaint is served on the public institution of higher
 76 education.

77 (c) Excluding reasonable court costs and attorney fees, the
 78 total compensatory damages available to a plaintiff in a case
 79 arising from a single violation of this section may not exceed
 80 \$100,000. If there are multiple plaintiffs, the court shall
 81 divide the damages equally among the plaintiffs until the
 82 maximum award is exhausted.

83 (4) STATUTE OF LIMITATIONS.—A person aggrieved by a
 84 violation of this section must bring suit no later than 1 year
 85 after the date the cause of action accrues. For the purpose of
 86 calculating the 1-year limitation period, each day that a
 87 violation of this section persists or each day that a policy in

12-00788B-18 20181234__

88 violation of this section remains in effect constitutes a new
 89 violation and, therefore, a new day that the cause of action
 90 accrues.

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



725138

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/06/2018	.	
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The Committee on Education (Baxley) recommended the following:

Senate Amendment to Amendment (101332)

Delete lines 41 - 42
and insert:

(a) If a public institution of higher education or an individual acting on behalf of a public institution of higher education willfully violates a person's expressive rights by an action prohibited under this section, the Attorney General or the person

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/8/14

Meeting Date

1234

Bill Number (if applicable)

Topic Campus Free Speech

Amendment Barcode (if applicable)

Name Joseph Cohn

492402
201150

Job Title Legislative & Public Policy Director

Address 510 Walnut Street, Suite 1250

Phone (205) 717-3873

Street

Philadelphia PA 19107

City

State

Zip

Email joe@thehive.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Families for Individual Rights in Education (FIRE)

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/6/18

Meeting Date

S. 1234

Bill Number (if applicable)

Topic Computer Fire Speech

Name Joe Cohn

Job Title Legislative & Policy Director

Address 570 Walnut Street, Suite 510
Street

Philadelphia PA 19107
City State Zip

Phone (215) 717-3473

Email joe@thefire.org

Amendment Barcode (if applicable)

(also spoke on AA 108472)

Speaking: ☒ For ☐ Against ☐ Information

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

Representing The Foundation For Individual Rights in Education (FIRE)

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/6/18

Meeting Date

1234

Bill Number (if applicable)

Topic Freedom of Expression

Amendment Barcode (if applicable)

Name Marshall Glatzer

Job Title Exec Director

Address 115 N. Calhoun St Ste 6

Phone 224-8220

Street Tallahassee

City FL

State

32301

Zip

Email marshall.glatzer@floridafreedom.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing United Faculty of FL

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/6/18

Meeting Date

SB 1234

Bill Number (if applicable)

Topic Chilling Campus Free Speech

Amendment Barcode (if applicable)

Name Kara Gross

Job Title Legislative Counsel

Address PO Box 10788

Phone 850-347-6994

Street

Tallahassee

FL

32302

City

State

Zip

Email kgross@aclufl.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing American Civil Liberties Union of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/6/18

Meeting Date

SB1234

Bill Number (if applicable)

Topic Free Speech

Amendment Barcode (if applicable)

Name Demetrius Minor

Job Title Coalitions Director

Address 200 W College Ave Suite 109

Phone 727-270-1407

Street

Tallahassee

City

FL

State

32301

Zip

Email dminor@genopp.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Generation Opportunity

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2.6.18
Meeting Date

SB 1234
Bill Number (if applicable)

Topic CAMPUS FREE SPEECH

Amendment Barcode (if applicable)

Name WILLIAM MATTOX

Job Title DIRECTOR, STAN MARSHALL CENTER for EDUCATION

Address 100 N. Duval St
Street

Phone 850.386.3131

TALLAHASSEE FL 32301
City State Zip

Email bmattox@jamesmadison.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing JAMES MADISON INSTITUTE

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

6 Feb 2018

Meeting Date

SB 1234

Bill Number (if applicable)

Topic Free Speech on Campus

Amendment Barcode (if applicable)

Name Diego A. Echeverri

Job Title Director of Coalitions

Address 200 W College Ave

Street

Phone _____

Tallahassee

City

FL

State

Zip

Email decheverri@cv4a.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Concerned Veterans For America

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/6/18

Meeting Date

SB1234

Bill Number (if applicable)

Topic Free Speech

Amendment Barcode (if applicable)

Name Skylar Zander

Job Title Deputy State Director

Address 200 W College Ave. Suite 109

Phone 850-728-4522

Street

Tallahassee

City

FL

State

32301

Zip

Email szander@afpq.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Americans for Prosperity

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

2-6-18

Meeting Date

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

SB1234

Bill Number (if applicable)

Topic SB1234

Amendment Barcode (if applicable)

Name Courtland Calver

Job Title _____

Address 1163 Ocala Road

Street

Tallahassee

City

FL

State

32304

Zip

Phone (352) 462-1494

Email CLC176@my.fsu.edu

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Students

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/6/18

Meeting Date

1234

Bill Number (if applicable)

Topic

SB 1234

Amendment Barcode (if applicable)

Name

Caitlin Dexter

Job Title

Address

2636 W Mission Rd

Street

Tallahassee

City

FL

State

32304

Zip

Phone

3213051004

Email

CaitDexter@gmail.com

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

Self

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

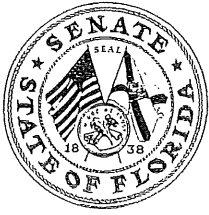
☒

No

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

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

S-001 (10/14/14)



SENATOR DENNIS BAXLEY
12th District

THE FLORIDA SENATE

COMMITTEES:

Governmental Oversight and Accountability, *Chair*
Criminal Justice, *Vice Chair*
Agriculture
Appropriations
Appropriations Subcommittee on Criminal and
Civil Justice
Appropriations Subcommittee on Health and
Human Services
Transportation

SELECT COMMITTEE:

Joint Select Committee on Collective Bargaining

JOINT COMMITTEE:

Joint Legislative Auditing Committee

January 11, 2018

The Honorable Senator Dorothy Hukill
406 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Hukill,

I respectfully request you place Senate Bill 1234 Free Expression on Campus on your next available agenda.

This bill will protect the rights of all people to engage in lawful expression by eliminating free speech zones on the campuses of public institutions of higher education. This will protect students and student groups from disciplinary action because of their lawful expression.

I appreciate your favorable consideration,

Onward & Upward,

A handwritten signature in black ink, appearing to read "Dennis Baxley", is written over the printed name and title.

Dennis Baxley
Senator, District 12

DKB/amb

cc: Shruti Graf, Staff Director

320 Senate Office Building, 404 South Monroe St, Tallahassee, Florida 32399-1100 • (850) 487-5012

Email: baxley.dennis@flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1644

INTRODUCER: Senator Lee and others

SUBJECT: Instructional Materials

DATE: February 5, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff	Graf	ED	Pre-meeting
2.			RC	

I. Summary:

SB 1644 modifies the district school board and state-level instructional materials review and adoption processes. Specifically, the bill:

- Requires district school board rules regarding the instructional materials review process to establish a process by which parents and county residents may recommend instructional materials for consideration by district instructional materials reviewers.
- Requires members of the public to be provided access to, and be given an opportunity to submit comments on, instructional materials recommended for adoption by state instructional materials reviewers.
- Provides an exemption from the public review procedures for instructional materials that are found by the Commissioner of Education (commissioner) to meet specified requirements, but permits a district school board member to initiate the public review procedures before instructional materials are adopted by the commissioner, if the district school board member has evidence that the instructional materials do not meet the required criteria.

The bill takes effect July 1, 2018.

II. Present Situation:

Florida law establishes state and local school district requirements for the adoption and purchase of instructional materials for public schools and provides opportunities for public review and input at the state and local level.

Instructional Materials

“Instructional materials” means items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course.¹ These items may be available in

¹ Sections 1006.28(1) and 1006.29(2), F.S.

bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software.²

District School Board Responsibility

Each school district must select and provide adequate instructional materials to each student for core courses in mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12.³ Additionally, each district school board is responsible for the content of all instructional materials and any other materials used in the classroom, made available in a school library, or included on a reading list, whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through a district instructional materials program, or otherwise purchased or made available.⁴

District school boards may purchase instructional materials from a list of state-reviewed and adopted instructional materials or, alternatively, may establish their own review and adoption program.⁵

School District Instructional Review and Adoption Process

A district school board, or consortium of school districts, may implement its own instructional materials program.⁶ A school district or consortium of school districts that implements its own program is not required to purchase instructional materials from the state-adopted list,⁷ requisition instructional materials from the publisher's depository,⁸ or follow the same review cycle used for state instructional materials adoption.⁹

If a district school board chooses to implement its own instructional materials program, the school board must adopt rules implementing the program, which must include the district school board's processes, criteria, and requirements to:¹⁰

- Select instructional materials reviewers, one or more of who must be a parent with a child in a public school;
- Review and select instructional materials, including a thorough review of curriculum content;
- Provide for reviewer recommendations;

² Sections 1006.28(1) and 1006.29(2), F.S.

³ Section 1006.28(2), F.S. Adequate instructional materials means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature." Section 1006.28(1)(a)1., F.S.

⁴ Section 1006.28(2)(a)1., F.S.

⁵ See ss. 1006.283 and 1006.40, F.S.

⁶ See s. 1006.283, F.S.

⁷ Section 1006.40(7), F.S.

⁸ Section 1006.37(3), F.S.

⁹ See s. 1006.283(2)(b), F.S. However, the district school superintendent must certify to the Department of Education by March 31 of each year that all instructional materials for core courses used by the district are aligned with applicable state standards. A list of the core instructional materials that will be used or purchased for use by the school district must be included in the certification. Section 1006.283(1), F.S.

¹⁰ Section 1006.283(2)(a), F.S.

- Adopt instructional materials by the district school board; and
- Purchase instructional materials.

The district school board rules must also:¹¹

- Identify, by subject area, a review cycle for instructional materials;
- Specify the qualifications for, selection process for, and the duties of instructional materials reviewers, including compliance with statutorily prescribed conflict of interest affidavits and state instructional materials reviewer duties;
- Require that all instructional materials recommended by a reviewer be accompanied by the reviewer's statement that the materials align with the applicable state standards;
- Establish a process for certifying the accuracy of instructional materials;
- Require reviewer and publisher compliance with the law prohibiting the acceptance or solicitation of money or inducements to influence approval or purchase of instructional materials;¹² and
- Incorporate the requirements of state law regarding publisher duties, responsibilities, and requirements.¹³

State Instructional Materials Review Process

Florida district school boards are also authorized to purchase instructional materials from a list of state-reviewed and adopted instructional materials.¹⁴ Beginning on or before May 15 of the adoption year, DOE advertises a request for sealed bids or proposals from publishers of instructional materials and the advertisement must require each bidder to furnish electronic sample copies of all instructional materials submitted.¹⁵ After all bids have been considered, the Commissioner of Education (commissioner) selects and adopts, from the list reported by the state instructional materials reviewers as "suitable, usable, and desirable," instructional materials for each grade and subject as advertised.¹⁶ The commissioner reserves the right to reject any and all bids.¹⁷ State-adopted instructional materials are available for purchase for a 5-year period following adoption and must be requisitioned from the depository of the publisher.¹⁸

Commissioner of Education Duties

The commissioner must annually determine the areas in which instructional materials will be submitted for adoption and the number of titles in each area.¹⁹ The commissioner adopts instructional materials according to a 5-year rotating schedule.²⁰ The commissioner may approve

¹¹ Section 1006.283(2)(b), F.S.

¹² Like state instructional materials reviewers, district reviewers must sign an affidavit required under s. 1006.30, F.S., stating, in part, that they will faithfully discharge their duties and not accept payment or benefit from anyone for their recommendations. Section 1006.283(2)(b)3., F.S.

¹³ Section. 1006.38, F.S.

¹⁴ Section 1006.28(2)(a)1., F.S.

¹⁵ Section 1006.33(1)(a) and (b), F.S. A school district may not request samples in addition to the electronic sample copies. Section 1006.33(1)(b), F.S.

¹⁶ Section 1006.34(2)(a), F.S.

¹⁷ Section 1006.34(2)(a), F.S.

¹⁸ Sections 1006.36(1) and 1006.37(1), F.S.; *see also* s. 1006.28(2)(b), F.S.

¹⁹ Section 1006.29(1)(a), F.S.

²⁰ Section 1006.36(1), F.S.

a shorter schedule if the content area requires more frequent revision.²¹ DOE annually publishes an official adoption schedule for each of the succeeding two years and a tentative schedule for years three through five. Under extenuating circumstances, the commissioner may direct DOE to add one or more subject areas to the official adoption schedule.²²

The following chart shows the adoption schedule for instructional materials through FY 2019-20.²³

Instructional Materials Adoption Schedule	
Year	Subject
2016-17	Social Studies (K-12)
2017-18	Science (K-12)
2018-19	Mathematics (K-12)
2019-20	English Language Arts (K-12)

Public Review of Instructional Materials

Prior to the purchase of any instructional materials, whether from the state-adopted list or through a district-established instructional materials review process, a district school board must.²⁴

- Establish a process to allow student editions of recommended instructional materials to be accessed and viewed online by the public at least 20 calendar days before the required school board hearing and public meeting. This process must include reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption;
- Conduct an open, noticed school board hearing to receive public comment on the recommended instructional materials;
- Conduct an open, noticed public meeting to approve an annual instructional materials plan to identify any instructional materials that will be purchased. This public meeting must be held on a different date than the school board hearing;
- Provide notice for the school board hearing and the public meeting that specifically states the instructional materials being reviewed and how the instructional materials can be accessed for public review; and
- Establish a process for public comment on, and review of, the recommended instructional materials.

The school board hearing must allow the parent of a public school student or a resident of the county to proffer evidence that an instructional material recommended for purchase does not align to the Next Generation Sunshine State Standards (NGSSS), does not meet state adoption

²¹ Section 1006.36(1), F.S.

²² Section 1006.36(2), F.S.

²³ Florida Department of Education, *Florida Instructional Materials Adoption Schedule for Adoption Years 2015-16 through 2019-20* (Feb. 3, 2015), available at <http://www.fldoe.org/core/fileparse.php/5574/urlt/AdoptionCycle.pdf> (last visited Feb. 5, 2018).

²⁴ Sections 1006.40(4)(b) and 1006.283(2)(b)8., 9., and 11., F.S.

criteria, or is not suitable to student needs or appropriate for students in the course or age group for which the instructional material would be used.²⁵

In addition, the school board must establish a process by which the district notifies parents of their ability to access their children's instructional materials.²⁶ The notification must be displayed prominently on the school district's website and provided annually in written format to all parents of enrolled students.²⁷ Notices for public meetings and hearings must specifically identify the instructional materials up for review and adoption and the manner in which the materials can be accessed by the public.²⁸

III. Effect of Proposed Changes:

SB 1644 modifies the district school board and state-level instructional materials review and adoption processes. Specifically, the bill:

- Requires district school board rules regarding the instructional materials review process to establish a process by which parents and county residents may recommend instructional materials for consideration by district instructional materials reviewers.
- Requires members of the public to be provided access to, and be given an opportunity to submit comments on, instructional materials recommended for adoption by state instructional materials reviewers.
- Provides an exemption from the public review procedures for instructional materials that are found by the Commissioner of Education (commissioner) to meet specified requirements, but permits a district school board member to initiate the public review procedures before instructional materials are adopted by the commissioner, if the district school board member has evidence that the instructional materials do not meet the required criteria.

District School Board Responsibility

The bill requires district school board rules regarding the instructional materials review process to establish a process by which parents and county residents²⁹ may recommend instructional materials for consideration by district instructional materials reviewers. Additionally, the bill requires the district school board to notify the publisher of any instructional material that is recommended for consideration and provide the publisher with the Florida Instructional Materials Adoption Schedule for the current adoption cycle.

Accordingly, the bill may increase parent and county resident input in the recommendation of instructional materials for review and adoption at the district level.

²⁵ Section 1006.283(2)(b)8., 9., and 11., F.S.

²⁶ Section 1006.283(2)(b)11., F.S.

²⁷ *Id.*

²⁸ Sections 1006.283(2)(b)8. and 1006.40(4)(b), F.S. Reasonable safeguards must be established against the unauthorized use, reproduction, and distribution of instructional materials posted online for public review and comment. Section 1006.283(2)(b)8.a., F.S.

²⁹ The term "resident" means a person who has maintained his or her resident in this state for the preceding year, has purchased a home that is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to Florida law. Section 1006.28(1)(b), F.S.

Public Review of Instructional Materials

The bill requires that members of the public be provided access to, and be given an opportunity to submit comments on, instructional materials recommended for adoption by state instructional materials reviewers. Any submitted comment related to a specific recommended instructional material must be provided to the commissioner as part of his or her consideration of the instructional materials. Additionally, the bill permits members of the public to recommend any instructional material for consideration by state instructional materials reviewers.

Commissioner of Education Duties

The bill provides an exemption from the public review procedures for instructional materials that are found by the commissioner to:

- Fully meet or be more rigorous than the Next Generation Sunshine State Standards,
- Comply with the adoption criteria and standards established in law and in the bill, and
- Not be prohibited by law.³⁰

The bill specifies that a district school board member may initiate the public review procedures before the instructional materials are adopted by the commissioner, if the district school board member has evidence that the instructional materials do not meet this required criteria.

Department of Education Responsibility

The bill also requires the Florida Department of Education to:

- Post any virtual presentation provided by a bidding instructional material publisher or manufacturer on the department's website for public access until the adoption period closes.
- Notify the publisher of any instructional material that is recommended for consideration and provide the publisher with the Florida Instructional Materials Adoption Schedule for the current adoption cycle.

Accordingly, the bill may increase public input in the recommendation of instructional materials for review and adoption at the state level.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

³⁰ Sections 847.012 and 1002.206, F.S., which generally prohibit the sale or distribution of harmful materials to minors and protect religious expression in public schools.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1006.283, 1006.31, 1006.34, and 1006.40.

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.



385820

LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete lines 174 - 180
and insert:

(b) Instructional materials are not subject to the public review process under s. 1006.40(4)(b) if the materials, at a minimum, meet the Next Generation Sunshine State Standards under s. 1003.41, comply with the adoption criteria and standards of paragraph (c) and s. 1003.42, are not prohibited by s. 847.012, and are selected and adopted by the commissioner pursuant to this section. However, a district school board member



385820

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

And the title is amended as follows:

Delete line 23

and insert:

materials from certain public review procedures under
certain circumstances;

By Senator Lee

20-01335C-18

20181644__

1 A bill to be entitled
 2 An act relating to instructional materials; amending
 3 s. 1006.283, F.S.; requiring district school board
 4 rules to include a longer public review period for
 5 student editions of recommended instructional
 6 materials; requiring district school boards to
 7 establish by rule a process by which certain persons
 8 may recommend instructional materials for
 9 consideration by district instructional materials
 10 reviewers; requiring a district school board to
 11 provide notification to certain publishers; amending
 12 s. 1006.31, F.S.; requiring public access to and an
 13 opportunity to comment on instructional materials
 14 recommended for adoption; requiring certain comments
 15 to be provided to the Commissioner of Education;
 16 requiring specified virtual presentations to be posted
 17 on the Department of Education's website; authorizing
 18 members of the public to recommend instructional
 19 materials for consideration; requiring the Department
 20 of Education to provide notification to certain
 21 publishers; conforming a cross-reference; amending s.
 22 1006.34, F.S.; exempting certain instructional
 23 materials from certain public review procedures;
 24 authorizing district school board members to initiate
 25 certain public review procedures before instructional
 26 materials are adopted under certain conditions;
 27 amending s. 1006.40, F.S.; conforming a provision to
 28 changes made by the act; providing an effective date.
 29

Page 1 of 7

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

20-01335C-18

20181644__

30 Be It Enacted by the Legislature of the State of Florida:
 31
 32 Section 1. Paragraph (b) of subsection (2) of section
 33 1006.283, Florida Statutes, is amended to read:
 34 1006.283 District school board instructional materials
 35 review process.—
 36 (2)
 37 (b) District school board rules must also:
 38 1. Identify, by subject area, a review cycle for
 39 instructional materials.
 40 2. Specify the qualifications for an instructional
 41 materials reviewer and the process for selecting reviewers; list
 42 a reviewer's duties and responsibilities, including compliance
 43 with the requirements of s. 1006.31; and provide that all
 44 instructional materials recommended by a reviewer be accompanied
 45 by the reviewer's statement that the materials align with the
 46 state standards pursuant to s. 1003.41 and the requirements of
 47 s. 1006.31.
 48 3. State the requirements for an affidavit to be made by
 49 each district instructional materials reviewer which
 50 substantially meet the requirements of s. 1006.30.
 51 4. Comply with s. 1006.32, relating to prohibited acts.
 52 5. Establish a process that certifies the accuracy of
 53 instructional materials.
 54 6. Incorporate applicable requirements of s. 1006.31, which
 55 relates to the duties of instructional materials reviewers.
 56 7. Incorporate applicable requirements of s. 1006.38,
 57 relating to the duties, responsibilities, and requirements of
 58 publishers of instructional materials.

Page 2 of 7

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20-01335C-18

20181644

8. Establish the process by which instructional materials are adopted by the district school board, which must include:

a. A process to allow student editions of recommended instructional materials to be accessed and viewed online by the public at least 45 ~~20~~ calendar days before the school board hearing and public meeting as specified in this subparagraph. This process must include reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption.

b. An open, noticed school board hearing to receive public comment on the recommended instructional materials.

c. An open, noticed public meeting to approve an annual instructional materials plan to identify any instructional materials that will be purchased through the district school board instructional materials review process pursuant to this section. This public meeting must be held on a different date than the school board hearing.

d. Notice requirements for the school board hearing and the public meeting that must specifically state which instructional materials are being reviewed and the manner in which the instructional materials can be accessed for public review. The hearing must allow the parent of a public school student or a resident of the county to proffer evidence that a recommended instructional material does not meet the criteria provided in s. 1006.31(2), taking into consideration course expectations based on the district's comprehensive plan for student progression under s. 1008.25(2) and course descriptions in the course code directory.

9. Establish the process by which the district school board

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20-01335C-18

20181644

shall receive public comment on, and review, the recommended instructional materials.

10. Establish the process by which instructional materials will be purchased, including advertising, bidding, and purchasing requirements.

11. Establish the process by which the school district will notify parents of their ability to access their children's instructional materials through the district's local instructional improvement system and by which the school district will encourage parents to access the system. This notification must be displayed prominently on the school district's website and provided annually in written format to all parents of enrolled students.

12. Establish the process by which parents and residents of the county, as defined in s. 1006.28(1)(b), may recommend instructional materials for consideration by district instructional materials reviewers. The district school board must notify the publisher of any instructional material that is recommended for consideration and provide the publisher with the Florida Instructional Materials Adoption Schedule for the current adoption cycle.

Section 2. Subsection (2) of section 1006.31, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

1006.31 Duties of the Department of Education and school district instructional materials reviewer.—The duties of the instructional materials reviewer are:

(2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the selection criteria listed in s. 1006.34(2)(c) ~~s. 1006.34(2)(b)~~

Page 4 of 7

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20-01335C-18

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and recommend for adoption only those instructional materials aligned with the Next Generation Sunshine State Standards provided for in s. 1003.41. Instructional materials recommended by each reviewer shall be, to the satisfaction of each reviewer, accurate, objective, balanced, noninflammatory, current, free of pornography and material prohibited under s. 847.012, and suited to student needs and their ability to comprehend the material presented. Reviewers shall consider for recommendation materials developed for academically talented students, such as students enrolled in advanced placement courses. When recommending instructional materials, each reviewer shall:

(a) Include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, religious, physical, and racial diversity of our society, including men and women in professional, career, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.

(b) Include only materials that accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.

(c) Include materials that encourage thrift, fire prevention, and humane treatment of people and animals.

(d) Require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States. A reviewer may not recommend

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any instructional materials that contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, religion, disability, socioeconomic status, or occupation.

(4) PUBLIC ACCESS AND INPUT.—Members of the public must be provided access to, and be given an opportunity to submit comments on, instructional materials recommended for adoption by state instructional materials reviewers. Any submitted comment related to a specific recommended instructional material must be provided to the commissioner as part of his or her consideration of the instructional material pursuant to s. 1006.34(2)(a). Any virtual presentation provided by a bidding instructional material publisher or manufacturer must be posted on the department's website for public access until the adoption period closes. Members of the public must also be allowed to recommend any instructional material for consideration by state instructional materials reviewers. The Department of Education must notify the publisher of any instructional material that is recommended for consideration and provide the publisher with the Florida Instructional Materials Adoption Schedule for the current adoption cycle.

Section 3. Present paragraph (b) of subsection (2) of section 1006.34, Florida Statutes, is redesignated as paragraph (c), and a new paragraph (b) is added to that subsection, to read:

1006.34 Powers and duties of the commissioner and the department in selecting and adopting instructional materials.—

(2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

(b) Instructional materials are not subject to public

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review procedures under s. 1006.40(4)(b) if the materials are found by the commissioner to fully meet or be more rigorous than the Next Generation Sunshine State Standards under s. 1003.41 and are found to comply with the adoption criteria and standards of paragraph (c) and s. 1003.42 and are not prohibited by ss. 847.012 and 1002.206. However, a district school board member may initiate the public review procedures before the instructional materials are adopted by the commissioner if he or she has evidence that the instructional materials do not meet the criteria required by this paragraph.

Section 4. Paragraph (b) of subsection (4) of section 1006.40, Florida Statutes, is amended to read:

1006.40 Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books.—

(4) Each district school board is responsible for the content of all materials used in a classroom or otherwise made available to students. Each district school board shall adopt rules, and each district school superintendent shall implement procedures, that:

(b) Except as provided in s. 1006.34(2)(b), provide a process for public review of, public comment on, and the adoption of instructional materials that satisfies the requirements of s. 1006.283(2)(b)8., 9., and 11.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1712

INTRODUCER: Senator Montford and Senator Thurston

SUBJECT: Postsecondary Revenue Bonds and Debt

DATE: February 6, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Graf	ED	Favorable
2.			AHE	
3.			AP	

I. Summary:

SB 1712 modifies restrictions on state university debt payments to authorize the use of federal grant and contract funds due to a state university to pay debt service on revenue bonds only as required through the Historically Black College and University Capital Financing Program (HBCU Program). In effect, the bill may allow Florida Agricultural and Mechanical University to participate in the federal HBCU Program.

The law takes effect July 1, 2018.

II. Present Situation:

Historically Black College and University Capital Financing Program

The Higher Education Act of 1965, as amended, defines a historically black college and university (HBCU) as "... any historically black college or university that was established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary [of Education] to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation...."¹

The Historically Black College and University Capital Financing Program (HBCU Program), administered by the United States Department of Education (USDOE), provides low-cost capital

¹ U.S. Department of Education, *Historically Black College and University Capital Financing Program, Eligibility*, <https://www2.ed.gov/programs/hbcucapfinance/eligibility.html> (last visited Feb. 5, 2018). The Florida HBCUs are Florida Agricultural and Mechanical University (public), Bethune-Cookman University (private), Edward Waters College (private), and Florida Memorial University (private). National Center for Education Statistics, *College Navigator*, <https://nces.ed.gov/COLLEGENAVIGATOR/?s=FL&sp=4> (last visited Feb. 5, 2018).

to finance improvements to the infrastructure of the nation's HBCUs.² Specifically, the HBCU Program provides HBCUs with access to capital financing or refinancing for the repair, renovation, and construction of classrooms, libraries, laboratories, dormitories, instructional equipment, and research instrumentation.³

This assistance comes through the issuance of federal guarantees on the full payment of principal and interest on qualified bonds, the proceeds of which are used for loans.⁴ Nationally, to date, public HBCUs have received about \$530 million in loan proceeds and private HBCUs have received about \$1.27 billion in loan proceeds.⁵

The HBCU Program specifies, as a part of the loan agreement, the procedures for repayment of the loan, and procedures in the event of delinquency or default on the loan.⁶ Federal law requires that, for delinquent debt or a default on debt to the United States, the debts or payments may be collected by administrative offset.⁷ Accordingly, in order to borrow funds from the USDOE under the HBCU Program, the participating HBCU must permit the use of revenue from grants and contracts via administrative offset if the pledged revenues are insufficient to pay debt service.⁸ Under the federal requirement regarding collection by administrative offset, in the event of default on the loan, the USDOE may hold other federal funds, including grants and contracts owed to the HBCU, and apply those federal funds to debt service for the HBCU Program loan.⁹

State University Revenue Bonds and Debt

The Board of Governors, each state university, and any state university direct-support organization must comply with the provisions of law in order to issue or enter into agreements for the issuance of revenue bonds or debt.¹⁰ The law authorizes the Board of Governors to

² U.S. Department of Education, *Historically Black College and University Capital Financing Program, Purpose*, <https://www2.ed.gov/programs/hbcucapfinance/index.html> (last visited Feb. 5, 2018).

³ *Id.*

⁴ *Id.*

⁵ U.S. Department of Education, *Historically Black College and University Capital Financing Program, Awards*, <https://www2.ed.gov/programs/hbcucapfinance/awards.html> (last visited Feb. 5, 2018). Since September 2009, Florida Memorial University has received two HBCU Capital Financing program loans totaling \$44,060,000. Since July 1997, Bethune-Cookman College has received two HBCU Capital Financing program loans totaling \$20,295,000. *Id.*

⁶ U.S. Department of Education, *Legislation, Regulations, and Guidance*, <https://www2.ed.gov/programs/hbcucapfinance/legislation.html> (last visited Feb. 5, 2018).

⁷ 31 C.F.R. 901.3. “Administrative offset” means withholding funds payable by the United States (including funds payable by the United States on behalf of a State government) to, or held by the United States for, a person to satisfy a claim. 31 U.S.C., s. 3701.

⁸ Telephone interview, Board of Governors (Feb. 2, 2018).

⁹ *Id.*

¹⁰ Section 1010.62(8), F.S.

request the issuance of revenue bonds¹¹ to finance or refinance capital outlay projects¹² permitted by law.¹³

Revenue bonds may not be secured by or be payable from, directly or indirectly, the following sources:¹⁴

- Revenues from grants and contracts, except for money received for overhead and indirect costs and other moneys not required for the payment of direct costs;
- Tuition;
- The financial aid fee;
- Sales and services of educational departments; and
- Any other operating revenues of a state university.

The issuance of debt must be approved by the Board of Governors, and must be:¹⁵

- For a purpose consistent with the mission of the state university.
- Structured in a manner appropriate for the prudent financial management of the state university.
- Secured by revenues adequate to provide for all payments relating to the debt.
- Analyzed by the Division of Bond Finance,¹⁶ and issues raised by such analysis must be appropriately considered by the Board of Governors.
- Consistent with the requirements of any policies or criteria adopted by the Board of Governors for the approval of debt.¹⁷

III. Effect of Proposed Changes:

SB 1712 modifies restrictions on the payment of debt by a state university to authorize grant and contract funds due to a state university from the federal government to be used to pay debt service on revenue bonds only as required through the Historically Black College and University Capital Financing Program (HBCU Program).

The bill authorizes Florida Agricultural and Mechanical University (FAMU), which is the only public historically black college and university (HBCU) in the state, to participate in the HBCU

¹¹ Revenue bonds may be issued by the state or its agencies without a vote of the electors to finance or refinance the cost of state fixed capital outlay projects authorized by law, and purposes incidental thereto, and shall be payable solely from funds derived directly from sources other than state tax revenues. Art. VII, s. 11(d), Fla. Const.

¹² A capital outlay project is any project to acquire, construct, improve, or change the functional use of land, buildings, and other facilities, including furniture and equipment necessary to operate a new or improved building or facility. Section 1010.62(1)(b), F.S.

¹³ Section 1010.62(2)(a), F.S.

¹⁴ *Id.*

¹⁵ *Id.* at (3)(b).

¹⁶ The duties of the Division of Bond Finance within the State Board of Administration include the issuance of bonds for or on behalf of State agencies and providing technical assistance on new financing programs.

¹⁷ The Board of Governors *Debt Management Guidelines* confirm that the state universities and their direct-support organizations must engage in sound debt management practices and, to that end, the Board of Governors has formalized guiding principles for the issuance of debt by the state universities and their DSOs, Board of Governors, *Debt Management Guidelines* (June 17, 2016), available at http://www.flbog.edu/documents_regulations/guidelines/REVISED%20FAC%207%202%20Debt%20Management%20Guidelines%202016%20-%20DRAFT.pdf, at 1.

Program by permitting FAMU to, in the event of default on a debt, pledge revenue from federal grants and contracts for the repayment of revenue bonds. The authorization under the bill to pledge federal grants and contracts for the repayment of debt aligns with the federal requirements regarding collection by administrative offset.

The bill does not change the prohibition on the use of state funds to pay debt service on revenue bonds. Additionally, the bill does not change the requirement for the Board of Governors to approve the issuance of debt and for analysis by the Division of Bond Finance.

The bill may provide FAMU access to competitive financing through the HBCU Program, which may result in interest rate savings for FAMU.¹⁸ The benefits may be extended to refinancing existing revenue bonds and for loans under the HBCU Program for future capital outlay projects.¹⁹

According to the Board of Governors (board), the board may be required to revise the Debt Management Guidelines to include revenue from contracts and grants as authorized revenue to secure debt under the HBCU Program.²⁰

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

¹⁸ Board of Governors, *2018 Agency Analysis for HB 375*, at 1. HB 375 is similar to SB 1712.

¹⁹ Telephone interview, Board of Governors (Feb. 2, 2018).

²⁰ Board of Governors, *2018 Agency Analysis for HB 375*, at 2. HB 375 is similar to SB 1712.

C. Government Sector Impact:

The Board of Governors reports that, in 2016, Florida Agricultural and Mechanical University (FAMU) had investigated refinancing its existing housing revenue bonds, which at the time totaled \$80 million.²¹ Projections at that time estimated that FAMU would save approximately \$1.2 million in debt service costs over the remaining life of the bond if FAMU were able to refinance the existing bonds under the HBCU Program.²²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1010.62 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

²¹ Board of Governors, *2018 Agency Analysis for HB 375*, at 2. HB 375 is similar to SB 1712.

²² *Id.*

By Senator Montford

3-01149A-18

20181712__

A bill to be entitled

An act relating to postsecondary revenue bonds and debt; amending s. 1010.62, F.S.; authorizing state universities to use specified moneys to pay debt service on revenue bonds if required by a specified federal program; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 1010.62, Florida Statutes, is amended to read:

1010.62 Revenue bonds and debt.—

(2) (a) The Board of Governors may request the issuance of revenue bonds pursuant to the State Bond Act and s. 11(d), Art. VII of the State Constitution to finance or refinance capital outlay projects permitted by law. Revenue bonds may be secured by or payable only from those revenues authorized for such purpose, including the Capital Improvement Trust Fund fee, the building fee, the health fee, the transportation access fee, hospital revenues, or those revenues derived from or received in relation to sales and services of auxiliary enterprises or component units of the university, including, but not limited to, housing, transportation, health care, research or research-related activities, food service, retail sales, athletic activities, or other similar services, other revenues attributable to the projects to be financed or refinanced, any other revenue approved by the Legislature for facilities construction or for securing revenue bonds issued pursuant to s. 11(d), Art. VII of the State Constitution, or any other revenues

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

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permitted by law. Revenues from the activity and service fee and the athletic fee may be used to pay and secure revenue bonds except that the annual debt service shall not exceed an amount equal to 5 percent of the fees collected during the most recent 12 consecutive months for which collection information is available prior to the sale of the bonds. The assets of a university foundation and the earnings thereon may also be used to pay and secure revenue bonds of the university or its direct-support organizations. Revenues from royalties and licensing fees may also be used to pay and secure revenue bonds so long as the facilities being financed are functionally related to the university operation or direct-support organization reporting such royalties and licensing fees. Revenue bonds may not be secured by or be payable from, directly or indirectly, tuition, the financial aid fee, sales and services of educational departments, revenues from grants and contracts, except for money received for overhead and indirect costs and other moneys not required for the payment of direct costs, or any other operating revenues of a state university. However, moneys due to the state university from the federal government for the payment of grants and contracts may be used to pay debt service on revenue bonds only as required through the United States Department of Education's Historically Black College and University Capital Financing Program. Revenues from one auxiliary enterprise may not be used to secure revenue bonds of another unless the Board of Governors, after review and analysis, determines that the facilities being financed are functionally related to the auxiliary enterprise revenues being used to secure such revenue bonds.

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-6-18

Meeting Date

1712

Bill Number (if applicable)

Topic Postsecondary Revenue Bonds

Amendment Barcode (if applicable)

Name Barbara Cohen Pippin

Job Title Director, Governmental Relations

Address 400 Lee Hall
Street

Phone 850-599-3225

Tell. FL. 32307
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing F AMU

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Dorothy Hukill, Chair
Senate Committee on Education

Subject: Committee Agenda Request

Date: January 12, 2018

I respectfully request that SB 1712 on Postsecondary Revenue Bonds and Debt be placed on the:

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

A handwritten signature in cursive script that reads "Bill Montford".

Senator Bill Montford
Florida Senate, District 3

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 1738

INTRODUCER: Education Committee and Senator Stewart

SUBJECT: Voluntary Prekindergarten Education Program

DATE: February 7, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Olenick, Bouck	Graf	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1738 authorizes an early learning coalition to refuse to contract with a private provider of the Voluntary Prekindergarten Education Program if the provider has been cited for a class I violation.

The bill takes effect July 1, 2018.

II. Present Situation:

Voluntary Prekindergarten Education Program

The Legislature established the Voluntary Prekindergarten Education Program (VPK program) in 2004 as a voluntary, free prekindergarten program offered to eligible four-year-old children in the year before admission to kindergarten.¹ A child must be a Florida resident and attain four

¹ Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.; *see also* Art. IX, s. 1(b), Fla. Const. The VPK program originated from a ballot initiative proposing an amendment to the Florida Constitution in the November 2002 general election. The amendment required the Legislature to establish a free prekindergarten education program for every four-year old child residing in Florida by the 2005 academic year. Voters approved the amendment by a total of 59 percent for to 41 percent against. Art. IX, s. 1(b)-(c), Fla. Const.; *see also* Florida Department of State, Division of Elections, Voluntary Universal Prekindergarten Education, <http://dos.elections.myflorida.com/initiatives/initdetail.asp?account=34708&seqnum=1> (last visited Feb. 5, 2018).

years of age on or before September 1 of the program year, and not enrolled in the Gardiner Scholarship program to be eligible for the VPK program.² The child is eligible for the VPK program during that program year or the subsequent program year and remains eligible until enrollment in kindergarten or attaining six years of age by February 1 of any school year.³ Parents may choose either a school-year or summer program offered by either a public school or private prekindergarten provider.⁴

Local oversight of the VPK program is provided by early learning coalitions (ELC) and school districts. The ELCs provide administration over programs delivered by private prekindergarten providers and school districts administer public school VPK programs.⁵ Florida's Office of Early Learning (OEL),⁶ and the Department of Children and Families (DCF) each play a role in the state-level oversight of the VPK program. As lead agency for Florida's school readiness system, Florida's OEL governs the day-to-day operations of the VPK program.⁷ The OEL oversees ELCs regarding child enrollment, attendance reporting, and reimbursement of VPK program providers and monitors VPK program providers for compliance with program requirements.⁸

Florida law specifies eligibility criteria for private prekindergarten providers to deliver the VPK program.

VPK Program Provider Eligibility Requirements

To be eligible to deliver the VPK program, a private prekindergarten provider must:⁹

- Be a child care facility, family day care home (FDCH), or large family child care home (LFCCCH) licensed in accordance with the law or a nonpublic school or faith-based child care provider exempt from licensure in accordance with the law;
- Be accredited by an accrediting association in accordance with the law;
- Hold a current Gold Seal Quality Care designation;¹⁰ or

² Sections 1002.385(4)(a) and 1002.53(2), F.S.

³ Section 1002.53(2), F.S. Children who attain five years of age on or before September 1 of the academic year are eligible for admission to public kindergarten during that school year under rules adopted by the district school board. Section 1003.21(1)(a)2., F.S.

⁴ Section 1002.53(3), F.S. In 2010, the Legislature established a specialized instructional services program for children with disabilities as an option under the VPK program. Section 3, ch. 2010-227, *codified at* s. 1002.53(3)(d), F.S.

⁵ Sections 1002.55(1), 1002.61(1)(a)-(b), and 1002.63(1), F.S.

⁶ In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within DOE. The office is administered by an executive director and is fully accountable to the Commissioner of Education but shall independently exercise all powers, duties, and functions prescribed by law, as well as adopt rules for the establishment and operation of the school readiness program and the Voluntary Prekindergarten Education Program. s. 1, ch. 2013-252, *codified at* 1001.213, F.S.

⁷ Sections 1001.213 and 1002.75(1)-(2), F.S.

⁸ Section 1002.75(2), F.S.

⁹ Section 1002.55(3), F.S.

¹⁰ Section 402.281, F.S.; rule 65C-22.009, F.A.C.; *see also* Florida Department of Children and Families (DCF), *Gold Seal Quality Care*, <http://www.dcf.state.fl.us/childcare/goldseal.shtml> (last visited Feb. 6, 2018). DCF issues the Gold Seal Quality Care designation to child care facilities, LFCCCHs, and FDCHs that are accredited by a nationally recognized accrediting association with standards that meet or exceed DCF-adopted standards. DCF's standards are based upon those of the National Association for the Education of Young Children, National

- Be licensed under Florida law and demonstrate, before delivering the VPK program, that the provider meets each of the requirements specified in law for the program.

Additionally, private prekindergarten providers must also sign and agree to the terms outlined in the approved statewide VPK provider contract¹¹ and meet specified requirements related to prekindergarten instructors, prekindergarten directors, and program operations and delivery.¹²

A private prekindergarten provider may not participate in the VPK program if the provider has child disciplinary policies that do not prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, toileting, spanking or any other form of physical punishment as provided in law.¹³ Additionally, an ELC is permitted to terminate a provider's contract for cause at any time.¹⁴

III. Effect of Proposed Changes:

CS/SB 1738 authorizes an early learning coalition to refuse to contract with a private provider of the Voluntary Prekindergarten Education Program if the provider has been cited for a class I violation.

Class I violations are the most serious in nature, pose an imminent threat to a child including abuse or neglect and which could or does result in death or serious harm to the health, safety or well-being of a child.¹⁵ Class II violations are less serious than Class I violations.¹⁶ Class III violations are less serious than either Class I or Class II violations.¹⁷

Accordingly, this may assist with maintaining a safe environment for children enrolled in a VPK program.

The bill takes effect July 1, 2018.

Association of Family Child Care, and National Early Childhood Program Accreditation Commission. Section 402.281(1)-(3), F.S.

¹¹ Florida Office of Early Learning, *State of Florida Statewide Voluntary Prekindergarten Provider Contract* (Oct. 2016), at 1 of 15, which is incorporated by reference in rule 6M-8.301, F.A.C.

¹² Section 1002.55(3)(c)-(m), F.S.

¹³ *Id.* at (5).

¹⁴ Florida Office of Early Learning, *State of Florida Statewide Voluntary Prekindergarten Provider Contract* (Oct. 2016), at 10 of 15, which is incorporated by reference in rule 6M-8.301, F.A.C. The Statewide Voluntary Prekindergarten Providers Contract specifies the following grounds for termination for cause: a) Action, or lack of action, which threatens the health, safety or welfare of children; (b) The material failure to comply with one or more of the terms of this contract, including failure to implement corrective action; (c) The refusal to accept any notice described under this contract which coalition is required to send to provider; or (d) Reasonable or probable cause for coalition to suspect that fraud has been committed by provider. *Id.*

¹⁵ Rule 65C-22.012(1)(e)1., F.A.C.; *see also* Florida Department of Children and Families, *Child Care Facility Classification Summary* (July 2012), at 24 of 25, available at [http://ccrain.fl-dcf.org/\(X\(1\)\)/documents/2/443.pdf#page=1](http://ccrain.fl-dcf.org/(X(1))/documents/2/443.pdf#page=1), which is incorporated by reference in rule 65C-22.010, F.A.C.

¹⁶ Rule 65C-22.012(1)(e)2., F.A.C.

¹⁷ *Id.* at (e)3.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.55 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Education on February 6, 2018:**

The committee substitute modifies the provisions in the bill regarding Voluntary Prekindergarten Education Program (VPK program) provider participation and school readiness program provider eligibility to:

- Modify the bill provision prohibiting a private prekindergarten provider from participation in the VPK program for specified violations, to specify that if a private prekindergarten provider has been cited for a class I violation, the early learning coalition (ELC) may refuse to contract with the provider.
- Remove from the bill, the bill provision authorizing ELCs to revoke school readiness program providers' eligibility to deliver the school readiness program a period of 5 years from the date of the last violation if the provider has been cited for four or more violations relating to the supervision of children within a 2-year period.

B. Amendments:

None.



425224

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2018	.	
	.	
	.	
	.	

The Committee on Education (Stewart) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (5) of section 1002.55, Florida
Statutes, is amended to read:

1002.55 School-year prekindergarten program delivered by
private prekindergarten providers.—

(5) (a) Notwithstanding paragraph (3) (b), a private
prekindergarten provider may not participate in the Voluntary
Prekindergarten Education Program if the provider has child



425224

disciplinary policies that do not prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, toileting, spanking, or any other form of physical punishment as provided in s. 402.305(12).

(b) Notwithstanding any other provision of law, if a private prekindergarten provider has been cited for a class I violation, as defined by rule, the coalition may refuse to contract with the provider.

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

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to the Voluntary Prekindergarten
Education Program; amending s. 1002.55, F.S.;
authorizing an early learning coalition to refuse to
contract with certain private prekindergarten
providers; providing an effective date.

By Senator Stewart

13-01415-18

20181738__

A bill to be entitled

An act relating to early childhood education; amending s. 1002.55, F.S.; prohibiting a private prekindergarten provider from participating in the Voluntary Prekindergarten Education Program for a specified period under certain circumstances; amending s. 1002.88, F.S.; authorizing an early learning coalition to revoke the eligibility of a school readiness program provider to participate in the school readiness program for a specified period under certain circumstances; providing an effective date.

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

Section 1. Subsection (5) of section 1002.55, Florida Statutes, is amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(5) (a) Notwithstanding paragraph (3) (b), a private prekindergarten provider may not participate in the Voluntary Prekindergarten Education Program if the provider has child disciplinary policies that do not prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, toileting, spanking, or any other form of physical punishment as provided in s. 402.305(12).

(b) Notwithstanding paragraph (3) (b), a private prekindergarten provider that has been cited for four or more violations relating to the supervision of children within a 2-

Page 1 of 2

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

13-01415-18

20181738__

year period may not participate in the Voluntary Prekindergarten Education Program for a period of 5 years from the date of the last violation.

Section 2. Subsection (2) of section 1002.88, Florida Statutes, is amended to read:

1002.88 School readiness program provider standards; eligibility to deliver the school readiness program.—

(2) (a) If a school readiness program provider fails or refuses to comply with this part or any contractual obligation of the statewide provider contract under s. 1002.82(2) (m), the coalition may revoke the provider's eligibility to deliver the school readiness program or receive state or federal funds under this chapter for a period of 5 years.

(b) If a school readiness program provider has been cited for four or more violations relating to the supervision of children within a 2-year period, the coalition may revoke the provider's eligibility to deliver the school readiness program for a period of 5 years from the date of the last violation.

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

Page 2 of 2

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/6/18
Meeting Date

1738
Bill Number (if applicable)

Topic 1738 - Early Childhood Education

Amendment Barcode (if applicable)

Name Rodney Mackinnon

Job Title Executive Director

Address 250 Merritt Drive

Phone 850-717-8554

Street

Tallahassee

City

State

Zip

Email rodny.j.mackinnon@fla-early.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Office of Early Learning

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

585

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Benjamin J. Gibson

is duly appointed a member of the

State Board of Education

for a term beginning on the Fourteenth day of July, A.D., 2017,
until the Thirty-First day of December, A.D., 2020 and is subject
to be confirmed by the Senate during the next regular session of
the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Eighteenth day of September, A.D., 2017*



Ken Detzner

Secretary of State



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2017 JUL 14 PM 3:59

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

July 14, 2017

Secretary Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 1001.01, Florida Statutes:

Mr. Benjamin Gibson
517 East 9th Avenue
Tallahassee, FL 32303

as a member of the State Board of Education, succeeding John R. Padget, subject to confirmation by the Senate. This appointment is effective July 14, 2017, for a term ending December 31, 2020.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/aa

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2017 JUL 17 AM 9:22

STATE OF FLORIDA

County of Leon

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

State Board of Education Member

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

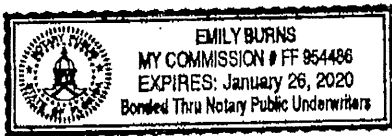
Sworn to and subscribed before me this 17th day of July, 2017.

[Signature]
Signature of Officer Administering Oath or of Notary Public

Emily Burns
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced n/a



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

517 E. 9th Ave.

Street or Post Office Box

Tallahassee, FL 32303

City, State, Zip Code

Benjamin J. Gibson

Print Name

[Signature]
Signature

CERTIFICATION

STATE OF FLORIDA
COUNTY OF LEON

RECEIVED
17 SEP 14 PM 2:53
DIVISION OF ELECTIONS
SECRETARY OF STATE

Before me, the undersigned Notary Public of Florida, personally appeared

BENJAMIN J. GIBSON

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

B. Gibson

Signature of Applicant-Affiant

Sworn to and subscribed before me this 7th day of September, 2017

[Signature]
Signature of Notary Public-State of Florida

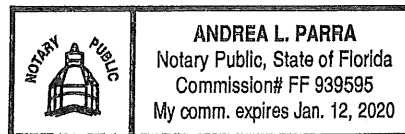
Andrea L. Parra

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: Jan 12, 2020

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced FL Drivers License



(seal)

960

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Darlene L. Jordan

is duly appointed a member of the

**Board of Governors of the State University
System**

for a term beginning on the Twenty-Second day of June, A.D.,
2017, until the Sixth day of January, A.D., 2024 and is subject to
be confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Thirtieth day of August, A.D., 2017.*



Ken Detzner
Secretary of State



RICK SCOTT
GOVERNOR

RECEIVED
17 JUL 10 AM 10:03
DIVISION OF ELECTIONS
SECRETARY OF STATE

June 22, 2017

Secretary Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 114.05(1)(e), Florida Statutes:

Mrs. Darlene Luccio Jordan
203 South Lake Trail
Palm Beach, Florida 33480

as a member of the Board of Governors of the State University System, filling a vacant seat, subject to confirmation by the Senate. This appointment is effective June 22, 2017, for a term ending January 6, 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/aa

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Palm Beach

RECEIVED
DEPARTMENT OF STATE
17 AUG 24 AM 9:35
DIVISION OF ELECTIONS
TALLAHASSEE, FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board of Governors of the State University System of Florida
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Darlene L. Jordan
Signature

Sworn to and subscribed before me this 23rd day of August, 2017

[Signature]
Signature of Officer Administering Oath or of Notary Public

Lauriston V. Segerson
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



Lauriston V. Segerson
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG049732
Expires 11/22/2020

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

203 South Lake Trail
Street or Post Office Box

Palm Beach, FL 33480
City, State, Zip Code

Darlene L. Jordan
Print Name

Darlene L. Jordan
Signature

960

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Sydney Kitson

is duly appointed a member of the

**Board of Governors of the State University
System**

for a term beginning on the Twenty-Second day of June, A.D.,
2017, until the Sixth day of January, A.D., 2024 and is subject to
be confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Eighth day of July, A.D., 2017.*



Ken Detzner

Secretary of State



rick scott
GOVERNOR

RECEIVED
17 JUL 10 AM 10:02
DIVISION OF ELECTIONS
SECRETARY OF STATE

June 22, 2017

Secretary Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 114.05(1)(e), Florida Statutes:

Mr. Syd Kitson
7232 Horizon Drive
West Palm Beach, Florida 33412

as a member of the Board of Governors of the State University System, subject to confirmation by the Senate. This appointment is effective June 22, 2017, for a term ending January 6, 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/aa

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Palm Beach

RECEIVED
17 JUL 27 AM 9:45
DIVISION OF ELECTIONS
SECRETARY OF STATE

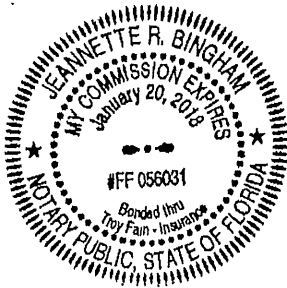
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board of Governors, State University System of Florida

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]



Signature [Signature]

Sworn to and subscribed before me this 26th day of July, 2017

Signature of Officer Administering Oath or of Notary Public

Jeannette R. Bingham

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☐ Home ☒ Office

4500 PGA Boulevard, Suite 400

Street or Post Office Box

Palm Beach Gardens, FL 33418

City, State, Zip Code

Sydney William Kitson

Print Name

Signature [Signature]

960

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Alan M. Levine

is duly appointed a member of the

**Board of Governors of the State University
System**

for a term beginning on the Twenty-Second day of June, A.D.,
2017, until the Sixth day of January, A.D., 2024 and is subject to
be confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Ninth day of October, A.D., 2017.*



Ken Detzner
Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.



RICK SCOTT
GOVERNOR

RECEIVED
17 JUL 10 AM 10:0
DIVISION OF ELECTIONS
SECRETARY OF STATE

June 22, 2017

Secretary Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Article IX, Sec. 7, FL Constitution:

Mr. Alan Levine
1409 Reserve Place
Johnson City, Florida 37615

as a member of the Board of Governors of the State University System, filling a vacant seat, subject to confirmation by the Senate. This appointment is effective June 22, 2017, for a term ending January 6, 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/aa

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

17 OCT -6 AM 11:23

DIVISION OF ELECTIONS
SECRETARY OF STATE

STATE OF ~~FLORIDA~~ Tennessee

County of

~~Washington~~ Washington

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board of Governors of the State University System

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Alan M. Levine

Signature

Sworn to and subscribed before me this 5th day of October, 2017

Teresa A. Jackson

Signature of Officer Administering Oath or of Notary Public

TERESA A. JACKSON

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR

Produced Identification ☐

Type of Identification Produced



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

1409 Reserve Place

Street or Post Office Box

Johnson City, TN 37615

City, State, Zip Code

Alan M. Levine

Print Name

Signature

CERTIFICATION

STATE OF FLORIDA
COUNTY OF Alachua

RECEIVED
17 OCT -6 AM 11:24
DIVISION OF ELECTIONS
SECRETARY OF STATE

Before me, the undersigned Notary Public of Florida, personally appeared

Alan Morris Levine

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]

Signature of Applicant-Affiant

Sworn to and subscribed before me this 31st day of Aug, 2017.

[Signature]

Signature of Notary Public-State of Florida



Kimberly A. Hodges
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG085197
Expires 3/21/2021

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 3-21-2021

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced Tennessee Driver License

(seal)

Amended
3000

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

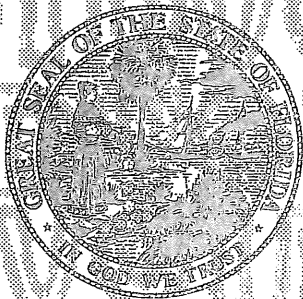
I, Ken Detzner, Secretary of State,
do hereby certify that

Kimberly Ann Moore

is duly appointed a member of the

**Board of Trustees,
Florida Agricultural and Mechanical
University**

for a term beginning on the Seventh day of January, A.D., 2018,
until the Sixth day of January, A.D., 2023 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twentieth day of December, A.D., 2017.*

Ken Detzner

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

Amended



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

RECEIVED
17 DEC 15 AM 8:25
DIVISION OF ELECTIONS
SECRETARY OF STATE

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

December 14, 2017

MEMORANDUM

To: Ms. Inez Williams

From: Cora Merritt
University Trustees Coordinator

Subject: Appointments to the University Boards of Trustees by the
Board of Governors, November 9, 2017

This is to advise you that the Board of Governors made the following appointments to the University Boards of Trustees, on Thursday, November 9, 2017.

To the Florida A & M University Board of Trustees: Ms. Kimberly Moore was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

To the Florida Atlantic University Board of Trustees: Mr. Brent Burns was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by Thomas Workman, Jr.

To the Florida Gulf Coast University Board of Trustees: Mr. Richard Eide was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by John Dudley Goodlette.

To the Florida International University Board of Trustees: Mr. Roger Tovar was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by Jorge Luis Arrizurieta.

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

17 DEC 18 AM 9:33

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida A&M University Board of Trustee

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Samuel Anna Moore
Signature

Sworn to and subscribed before me this 29th day of November, 2017

Elma Williams
Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public



ELMA WILLIAMS
Commission # FF 071503
Expires December 2, 2017
Bonded Thru Troy Fain Insurance 800-365-7019

Personally Known ☒ OR

Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☐ Home ☒ Office

444 Appleyard Drive, Bldg 38

Street or Post Office Box

Tallahassee, FL 32304

City, State, Zip Code

Kimberly A. Moore

Print Name

Signature

Kimberly A. Moore

CERTIFICATION

STATE OF FLORIDA
COUNTY OF

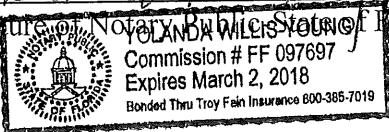
Leon

Before me, the undersigned Notary Public of Florida, personally appeared Kimberly Ann Moore,
who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read
the answers to the foregoing questions; (2) that the information contained in said answers is
complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the
United States and of the State of Florida.

Kimberly Ann Moore
Signature of Applicant-Affiant

Sworn to and subscribed before me this 8th day of December, 2017.

Yolanda Willis Young
Signature of Notary Public of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: March 2, 2018

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced 1. Driver's License

(seal)

3010

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

John Stanley Lord

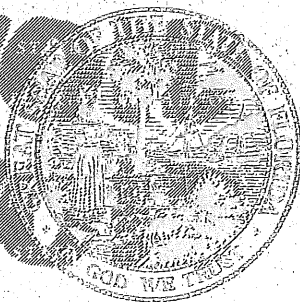
is duly appointed a member of the
**Board of Trustees,
University of Central Florida**

for a term beginning on the Twenty-Second day of June, A.D.,
2017, until the Sixth day of January, A.D., 2020 and is subject to
be confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Eighth day of January, A.D., 2018.*

Ken Detzner

Secretary of State



DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

RECEIVED
17 DEC 18 AM 8:51
DIVISION OF ELECTIONS
SECRETARY OF STATE

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

June 28, 2017

MEMORANDUM

To: Ms. Inez Williams

From: Cora Merritt
University Trustees Coordinator

Subject: Appointments to the University Boards of Trustees by the
Board of Governors, June 22, 2017

This is to advise you that the Board of Governors made the following appointments to the University Boards of Trustees, on Thursday, June 22, 2017.

To the University of Central Florida Board of Trustees: Mr. John Lord was appointed for term beginning June 22, 2017 and ending January 6, 2020, to the seat which she previously held by Raymond Gilley.

To the University of West Florida Board of Trustees: Ms. Adrienne Collins was appointed for a term beginning June 22, 2017 and ending January 6, 2020, to the seat previously held by Bentina Terry.

Attached are copies of the letters from Chancellor Marshall M. Criser III.

Thank you for your assistance in processing these appointments for their Senate confirmation. Please call me if you need additional information.

Enclosures



STATE
UNIVERSITY
SYSTEM
of FLORIDA

RECEIVED

17 DEC 11 PM 4:42

DIVISION OF ELECTIONS
SECRETARY OF STATE

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

June 27, 2017

Mr. John Stanley Lord
1083 McKean Circle
Winter Park, Florida 32789

Dear Mr. Lord:

Congratulations on your appointment as a member of the University of Central Florida Board of Trustees.

Pursuant to Florida's Code of Ethics for Public Officers, you are required to file a Statement of Financial Interests (Form 1) with the Commission on Ethics within 30 days of your appointment.

Your appointment is subject to confirmation by the Florida Senate as provided in Article IX, Section 7 of the Florida Constitution. Appointees who are subject to confirmation by the Florida Senate must file the Statement of Financial Interests with the Commission on Ethics prior to confirmation. Thereafter, the Commission requires any person who serves on a public board through December 31 to annually file the Statement of Financial Interests with the Commission by the following July 1.

If you have any questions, please feel free to contact us at (850) 245-0466. You may also contact the Commission on Ethics at (850) 488-7864, or visit their website at www.ethics.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Cora Merritt", is written over a faint, larger signature.

Cora Merritt
University Trustees Coordinator

c: Cindy Hawks, Board of Trustees Liaison

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

18 JAN -4 AM 10:18

STATE OF FLORIDA

County of ORANGE

DIVISION OF ELECTIONS
SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

TRUSTEE - UNIV. OF CENTRAL FL
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

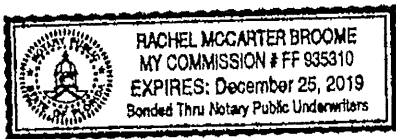
Sworn to and subscribed before me this 24 day of December, 2017.

Rachel Broome
Signature of Officer Administering Oath or of Notary Public

Rachel Broome
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

1683 MCKEAN CIR
Street or Post Office Box

WINTER PARK, FL 32789
City, State, Zip Code

JOHN STANLEY LORA
Print Name

Signature

CERTIFICATION

STATE OF FLORIDA
COUNTY OF _____

ORANGE

Before me, the undersigned Notary Public of Florida, personally appeared

JOHN STANLEY LORD

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]
Signature of Applicant-Affiant

Sworn to and subscribed before me this 24 day of December, 2017.

Rachel Broome

Signature of Notary Public-State of Florida



Rachel Broome

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 12/25/2019

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

(seal)

Amended
3010

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Beverly J. Seay

is duly appointed a member of the
**Board of Trustees,
University of Central Florida**

for a term beginning on the Seventh day of January, A.D., 2018,
until the Sixth day of January, A.D., 2023 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fourth day of January, A.D., 2018.*

Ken Detzner

Secretary of State



Amended



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

December 15, 2017

MEMORANDUM

To: Ms. Inez Williams

From: Cora Merritt
University Trustees Coordinator

Subject: Appointments to the University Boards of Trustees by the
Board of Governors, November 9, 2017

This is to advise you that the Board of Governors made the following appointments to the University Boards of Trustees, on Thursday, November 9, 2017.

To the Florida A & M University Board of Trustees: Ms. Kimberly Moore was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

To the Florida Atlantic University Board of Trustees: Mr. Brent Burns was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by Thomas Workman, Jr.

To the Florida Gulf Coast University Board of Trustees: Mr. Richard Eide was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by John Dudley Goodlette.

To the Florida International University Board of Trustees: Mr. Roger Tovar was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by Jorge Luis Arrizurieta.

Ms. Inez Williams
December 15, 2017
Page 2 of 2

To the Florida Polytechnic University Board of Trustees: Dr. Louis Saco was appointed for a term that began November 8, 2017 and ends November 7, 2022, to the seat previously held by William Mitchell Brown.

To the Florida State University Board of Trustees: Mr. Jim Henderson was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat which he previously held by Leslie Victor Pantin.

To the New College of Florida Board of Trustees: Mr. George Skestos was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which he previously held.

✓ To the University of Central Florida Board of Trustees: Ms. Beverly Seay was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

To the University of North Florida Board of Trustees: Dr. Anne Egan was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat which was previously held by Fred D. Franklin.

To the University of West Florida Board of Trustees: Ms. Suzanne Lewis was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

Attached are copies of the letters from Chancellor Marshall M. Criser III.

Thank you for your assistance in processing these appointments for their Senate confirmation. Please call me if you need additional information.

Enclosures

CERTIFICATION

STATE OF FLORIDA

COUNTY OF Orange

Before me, the undersigned Notary Public of Florida, personally appeared

Beverly Seay,
who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read
the answers to the foregoing questions; (2) that the information contained in said answers is
complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the
United States and of the State of Florida.

Beverly Seay
Signature of Applicant-Affiant

Sworn to and subscribed before me this 15 day of December, 2017.

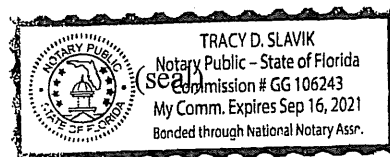
Tracy D. Slavic
Signature of Notary Public-State of Florida

Tracy D. Slavic
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: Sept. 16, 2021

Personally Known ☒ OR ~~Produced Identification~~ ☐ N/A

Type of Identification Produced N/A



AMENDED
3020

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Richard P. Eide, Jr.

is duly appointed a member of the
**Board of Trustees,
Florida Gulf Coast University**

for a term beginning on the Seventh day of January, A.D., 2018,
until the Sixth day of January, A.D., 2023 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fifteenth day of December, A.D., 2017.*

Ken Detzner

Secretary of State



If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

Amended



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

December 15, 2017

MEMORANDUM

To: Ms. Inez Williams

From: Cora Merritt
University Trustees Coordinator

Subject: Appointments to the University Boards of Trustees by the
Board of Governors, November 9, 2017

This is to advise you that the Board of Governors made the following appointments to the University Boards of Trustees, on Thursday, November 9, 2017.

To the Florida A & M University Board of Trustees: Ms. Kimberly Moore was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

To the Florida Atlantic University Board of Trustees: Mr. Brent Burns was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by Thomas Workman, Jr.

To the Florida Gulf Coast University Board of Trustees: Mr. Richard Eide was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by John Dudley Goodlette.

To the Florida International University Board of Trustees: Mr. Roger Tovar was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by Jorge Luis Arrizurieta.

Ms. Inez Williams
December 15, 2017
Page 2 of 2

To the Florida Polytechnic University Board of Trustees: Dr. Louis Saco was appointed for a term that began November 8, 2017 and ends November 7, 2022, to the seat previously held by William Mitchell Brown.

To the Florida State University Board of Trustees: Mr. Jim Henderson was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat which he previously held by Leslie Victor Pantin.

To the New College of Florida Board of Trustees: Mr. George Skestos was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which he previously held.

To the University of Central Florida Board of Trustees: Ms. Beverly Seay was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

To the University of North Florida Board of Trustees: Dr. Anne Egan was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat which was previously held by Fred D. Franklin.

To the University of West Florida Board of Trustees: Ms. Suzanne Lewis was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

Attached are copies of the letters from Chancellor Marshall M. Criser III.

Thank you for your assistance in processing these appointments for their Senate confirmation. Please call me if you need additional information.

Enclosures



STATE
UNIVERSITY
SYSTEM
of FLORIDA

RECEIVED

17 NOV 17 PM 3:30

DIVISION OF ELECTIONS
SECRETARY OF STATE

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

November 15, 2017

Mr. Richard Eide
340 Little Harbour Lane
Naples, Florida 34102

Dear Mr. Eide,

On Thursday, November 9, 2017, the Florida Board of Governors approved the recommendation made by its Nomination and Governance Committee to appoint you as a member of the Florida Gulf Coast University Board of Trustees. Please accept our congratulations.

The appointment acknowledges your record of public service and numerous career milestones. Your achievements are sure to provide expertise to the State University System of Florida and Florida Gulf Coast University as you serve in the capacity of a trustee. The appointment, subject to confirmation by the Florida Senate, your attendance of a System orientation session, and annual attendance at the Trustee Summits conducted by the Board of Governors, is for a term that begins January 6, 2018 and ends on January 6, 2023.

Your role as a trustee is vital to the governance and success of our System. Members of the Board of Governors rely on all the university trustees to exercise due diligence in connection with their oversight responsibilities for our universities.

Thank you for your willingness to serve. We look forward to working with you as a member of the Florida Gulf Coast University Board of Trustees.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall M. Criser III", is written over a horizontal line.

Marshall M. Criser III
Chancellor

c: Thomas G. Kuntz, Chair, Board of Governors and
Nomination and Governance Committee
John Dudley Goodlette, Chair, Board of Trustees
Dr. Michael V. Martin, President, Florida Gulf Coast University
Tiffany Reynolds, Board of Trustees Liaison
Vikki Shirley, Corporate Secretary and Corporate Secretary

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Collier

RECEIVED
DEPARTMENT OF STATE

17 DEC -4 AM 9:57

DIVISION OF ELECTIONS
TALLAHASSEE, FL

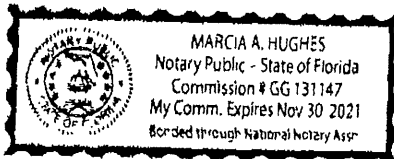
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Trustee, Florida Gulf Coast University
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature



Sworn to and subscribed before me this 29 day of November, 2017.

Marcia A. Hughes

Signature of Officer Administering Oath or of Notary Public

Marcia A. Hughes

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced —

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

340 Little Harbour Lane

Street or Post Office Box

Naples FL 34102

City, State, Zip Code

Richard P. Eide, Jr.

Print Name

[Signature]
Signature

CERTIFICATION

STATE OF FLORIDA

COUNTY OF

COLLIER

Before me, the undersigned Notary Public of Florida, personally appeared

Richard P. Eade, Jr.

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

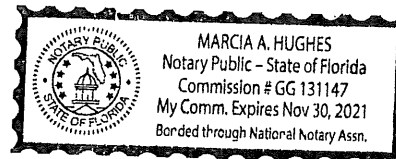
[Signature]

Signature of Applicant-Affiant

Sworn to and subscribed before me this 29 day of November, 2017.

Marcia A. Hughes

Signature of Notary Public-State of Florida



Marcia A. Hughes

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: November 30, 2021

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced [Signature]

(seal)

AMENDED

3025

A black and white copy of this document is not official

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Cesar L. Alvarez

is duly appointed a member of the

**Board of Trustees,
Florida International University**

for a term beginning on the Seventh day of January, A.D., 2018,
until the Sixth day of January, A.D., 2023 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Thirtieth day of January, A.D., 2018.*



Ken Detzner

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document



RICK SCOTT
GOVERNOR

Amended
RECEIVED
DEPARTMENT OF STATE
2018 JAN 29 PM 4:58

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

January 29, 2018

Secretary Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have amended the following reappointment under the provisions of Section 1001.71, Florida Statutes:

Mr. Cesar L. Alvarez
333 Southeast Second Avenue
44th Floor
Miami, Florida 33131

as a member of the Board of Trustees, Florida International University, subject to confirmation by the Senate. This appointment is effective January 7, 2018, for a term ending January 6, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/cr

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Miami-Dade

RECEIVED
18 JAN 16 AM 10:47

DIVISION OF ELECTIONS
SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Member of the Board of Trustees, Florida International University, Miami, FL

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Cesar L. Alvarez
Signature

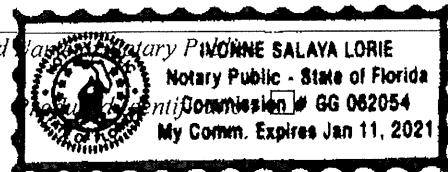
Sworn to and subscribed before me this 12 day of January, 2018.

Joanne Salaya Lorie
Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned

Personally Known ☒ OR

Type of Identification Produced



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☐ Home ☒ Office

333 SE 2 Avenue, 44th Floor

Street or Post Office Box

Miami, FL 33131

City, State, Zip Code

Cesar L. Alvarez

Print name as you desire commission issued

Cesar L. Alvarez
Signature

CERTIFICATION

STATE OF FLORIDA

COUNTY OF Miami-Dade

Before me, the undersigned Notary Public of Florida, personally appeared

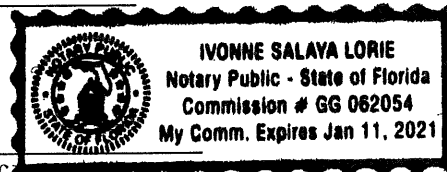
Cesar L. Alvarez,

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Cesar L. Alvarez
Signature of Applicant-Affiant

Sworn to and subscribed before me this 12 day of January, 2018.

Ivonne Salaya Lorie
Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

(seal)

3025

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Dean Colson

is duly appointed a member of the

**Board of Trustees,
Florida International University**

for a term beginning on the Thirtieth day of March, A.D., 2017,
until the Sixth day of January, A.D., 2021 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fifteenth day of May, A.D., 2017.*



Ken Detzner

Secretary of State



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

RECEIVED
DEPARTMENT OF STATE
2017 APR -6 AM 9:54
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

April 4, 2017

MEMORANDUM

To: Ms. Inez Williams

From: Cora Merritt
University Trustee Coordinator

Subject: Appointment to the Florida International University Board of Trustees by
the Board of Governors, March 30, 2017.

This is to advise that the Board of Governors appointed Mr. Dean Colson to the Florida International Board of Trustees on March 30, 2017. Mr. Colson was appointed for a term ending January 6, 2021, to the seat previously held by Mr. Albert Maury.

Attached is a copy of the letter from Chancellor Marshall Criser III to Mr. Colson.

Thank you for your assistance in processing this appointment for Senate confirmation. Please call me if you need additional information.

Enclosure



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

April 4, 2017

Mr. Dean Colson
1425 Brickell Avenue, Apartment 50F
Miami, Florida 33131

Dear Mr. Colson:

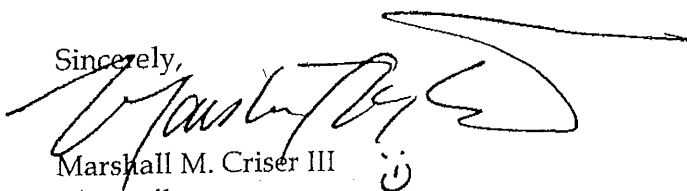
On Thursday, March 30, 2017, the Florida Board of Governors approved the recommendation made by its Nomination and Governance Committee to appoint you as a member of the Florida International University Board of Trustees. Please accept our congratulations.

The appointment acknowledges your record of public service and numerous career milestones. Your achievements are sure to provide expertise to the State University System of Florida and Florida International University as you serve in the capacity of a trustee. The appointment, subject to confirmation by the Florida Senate and your attendance of a System orientation session conducted by the Board of Governors, is for a term that began March 30, 2017 and ends on January 6, 2021.

Your role as a trustee is vital to the governance and success of our System. Members of the Board of Governors rely on university trustees to exercise due diligence in connection with their oversight responsibilities for our universities.

Thank you for your willingness to serve. We look forward to working with you as a member of the Florida International University Board of Trustees.

Sincerely,



Marshall M. Criser III
Chancellor

c: Tom Kuntz, Chair, Board of Governors and
Nomination and Governance Committee
Claudia Puig, Chair, Board of Trustees, Florida International University
Dr. Mark Rosenberg, President, Florida International University
Milly Bello, Board of Trustees Liaison, Florida International University
Vikki Shirley, Corporate Secretary, Board of Governors
Cora Merritt, University Trustees Coordinator, Board of Governors

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Miami-Dade

RECEIVED
17 MAY 11 AM 9:16
DIVISION OF ELECTIONS
SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida International University Board of Trustees

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Dean Colson
Signature

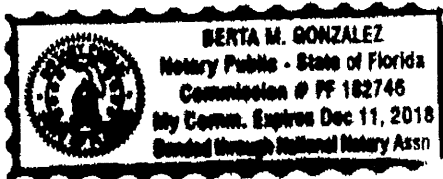
Sworn to and subscribed before me this 10th day of May, 2017.

Berta M. Gonzalez
Signature of Officer Administering Oath or of Notary Public

Berta M. Gonzalez
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☐ Home ☒ Office

255 Alhambra Circle, Penthouse

Street or Post Office Box

Miami, Florida 33134

City, State, Zip Code

Dean Colson
Print Name

Dean Colson
Signature

3030

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

George A. Skestos

is duly appointed a member of the

**Board of Trustees,
New College of Florida**

for a term beginning on the Seventh day of January, A.D., 2018,
until the Sixth day of January, A.D., 2023 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Sixteenth day of January, A.D., 2018.*

Ken Detzner

Secretary of State



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

RECEIVED
18 JAN -3 PM 3:15
DIVISION OF ELECTIONS
SECRETARY OF STATE

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

December 14, 2017

MEMORANDUM

To: Ms. Inez Williams

From: Cora Merritt
University Trustees Coordinator

Subject: Appointments to the University Boards of Trustees by the
Board of Governors, November 9, 2017

This is to advise you that the Board of Governors made the following appointments to the University Boards of Trustees, on Thursday, November 9, 2017.

To the Florida A & M University Board of Trustees: Ms. Kimberly Moore was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

To the Florida Atlantic University Board of Trustees: Mr. Brent Burns was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by Thomas Workman, Jr.

To the Florida Gulf Coast University Board of Trustees: Mr. Richard Eide was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by John Dudley Goodlette.

To the Florida International University Board of Trustees: Mr. Roger Tovar was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by Jorge Luis Arrizurieta.

Ms. Inez Williams
December 14, 2017
Page 2 of 2

To the Florida Polytechnic University Board of Trustees: Dr. Louis Saco was appointed for a term that began November 9, 2017 and ends January 6, 2022, to the seat previously held by William Mitchell Brown.

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To the New College of Florida Board of Trustees: Mr. George Skestos was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which he previously held.

To the University of Central Florida Board of Trustees: Ms. Beverly Seay was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

To the University of North Florida Board of Trustees: Dr. Anne Egan was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat which was previously held by Fred D. Franklin.

To the University of West Florida Board of Trustees: Ms. Suzanne Lewis was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

Attached are copies of the letters from Chancellor Marshall M. Criser III.

Thank you for your assistance in processing these appointments for their Senate confirmation. Please call me if you need additional information.

Enclosures



STATE
UNIVERSITY
SYSTEM
of FLORIDA

RECEIVED

17 NOV 17 PM 3:30

DIVISION OF ELECTIONS
SECRETARY OF STATE

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

November 15, 2017

Mr. George Skestos
2700 East Dublin Gainesville Road
Columbus, Ohio 43231

Dear Mr. Skestos:

On Thursday, November 9, 2017, the Florida Board of Governors approved the recommendation made by its Nomination and Governance Committee to reappoint you as a member of the New College of Florida Board of Trustees. Please accept our congratulations.

The appointment acknowledges your record of public service and numerous career milestones. Your achievements are sure to provide expertise to the State University System of Florida and New College of Florida as you serve in the capacity of a trustee. The appointment, subject to confirmation by the Florida Senate, your attendance of a System orientation session, and annual attendance at the Trustee Summits conducted by the Board of Governors, is for a term that begins January 6, 2018 and ends on January 6, 2023.

Your role as a trustee is vital to the governance and success of our System. Members of the Board of Governors rely on all the university trustees to exercise due diligence in connection with their oversight responsibilities for our universities.

Thank you for your willingness to serve. We look forward to working with you as a member of the New College of Florida Board of Trustees.

Sincerely,

Marshall M. Criser III
Chancellor

c: Thomas G. Kuntz, Chair, Board of Governors and
Nomination and Governance Committee
Felice Schulaner, Chair, Board of Trustees
Dr. Donal O'Shea, President, New College of Florida
Suzanne Janney, Board of Trustees Liaison
Vikki Shirley, Corporate Secretary and General Counsel
Cora Merritt, University Trustees Coordinator

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2018 JAN 12 AM 10:52

STATE OF FLORIDA

County of Sarasota

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board of Trustees, New College of Florida

(Title of Office)

on which I am now about to enter, so help me God.

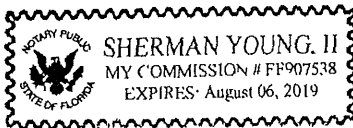
[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

Sworn to and subscribed before me this 14 day of January, 2018.

Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known ☐ OR

Produced Identification ☒

Type of Identification Produced

Driver's License

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

60 Lighthouse Point
Street or Post Office Box

Longboat Key Fla 34228
City, State, Zip Code

George A. Skestos
Print Name

Signature [Signature]

119578

RECEIVED
DEPARTMENT OF STATE

CERTIFICATION 2018 JAN 12 AM 10:52

STATE OF FLORIDA

COUNTY OF Sarasota

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

Before me, the undersigned Notary Public of Florida, personally appeared

George Skistos,
who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]
Signature of Applicant-Affiant

Sworn to and subscribed before me this 7th day of January, 2018.

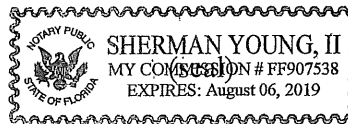
[Signature]
Signature of Notary Public-State of Florida

Sherman Young II
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: August 6th 2019

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced Drivers license



Amended
3033

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Louis S. Saco

is duly appointed a member of the

**Board of Trustees,
Florida Polytechnic University**

for a term beginning on the Eighth day of November, A.D.,
2017, until the Seventh day of November, A.D., 2022 and is
subject to be confirmed by the Senate during the next regular
session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Nineteenth day of January, A.D., 2018.*



Ken Detzner

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

Amended



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

RECEIVED

18 JAN 19 AM 11:56

DIVISION OF ELECTIONS
SECRETARY OF STATE

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

November 22, 2017

Dr. Louis Saco
1600 Lakeland Hills Boulevard
Lakeland, Florida 33804

Dear Dr. Saco:

On Thursday, November 9, 2017, the Florida Board of Governors approved the recommendation made by its Nomination and Governance Committee to appoint you as a member of the Florida Polytechnic University Board of Trustees. Please accept our congratulations.

The appointment acknowledges your record of public service and numerous career milestones. Your achievements are sure to provide expertise to the State University System of Florida and Florida Polytechnic University as you serve in the capacity of a trustee. The appointment, subject to confirmation by the Florida Senate, your attendance of a System orientation session, and annual attendance at the Trustee Summits conducted by the Board of Governors, is for a term that began November 8, 2017 and ends on November 7, 2022.

Your role as a trustee is vital to the governance and success of our System. Members of the Board of Governors rely on all the university trustees to exercise due diligence in connection with their oversight responsibilities for our universities.

Thank you for your willingness to serve. We look forward to working with you as a member of the Florida Polytechnic University Board of Trustees.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall M. Criser III".

Marshall M. Criser III
Chancellor

- c: Thomas G. Kuntz, Chair, Board of Governors and
Nomination and Governance Committee
Frank Martin, Chair, Board of Trustees
Dr. Randy K. Avent, President, Florida Polytechnic University
Maggie Mariucci, Board of Trustees Liaison
Vikki Shirley, Corporate Secretary and General Counsel



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

December 15, 2017

MEMORANDUM

To: Ms. Inez Williams

From: Cora Merritt
University Trustees Coordinator

Subject: Appointments to the University Boards of Trustees by the
Board of Governors, November 9, 2017

This is to advise you that the Board of Governors made the following appointments to the University Boards of Trustees, on Thursday, November 9, 2017.

To the Florida A & M University Board of Trustees: Ms. Kimberly Moore was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

To the Florida Atlantic University Board of Trustees: Mr. Brent Burns was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by Thomas Workman, Jr.

To the Florida Gulf Coast University Board of Trustees: Mr. Richard Eide was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by John Dudley Goodlette.

To the Florida International University Board of Trustees: Mr. Roger Tovar was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by Jorge Luis Arrizurieta.

Ms. Inez Williams
December 15, 2017
Page 2 of 2

To the Florida Polytechnic University Board of Trustees: Dr. Louis Saco was appointed for a term that began November 8, 2017 and ends November 7, 2022, to the seat previously held by William Mitchell Brown.

To the Florida State University Board of Trustees: Mr. Jim Henderson was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat which he previously held by Leslie Victor Pantin.

To the New College of Florida Board of Trustees: Mr. George Skestos was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which he previously held.

To the University of Central Florida Board of Trustees: Ms. Beverly Seay was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

To the University of North Florida Board of Trustees: Dr. Anne Egan was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat which was previously held by Fred D. Franklin.

To the University of West Florida Board of Trustees: Ms. Suzanne Lewis was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

Attached are copies of the letters from Chancellor Marshall M. Criser III.

Thank you for your assistance in processing these appointments for their Senate confirmation. Please call me if you need additional information.

Enclosures

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Polk

RECEIVED
DEPARTMENT OF STATE

17 DEC -4 AM 9:57

DIVISION OF ELECTIONS
TALLAHASSEE, FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Polytechnic University Board of Trustees

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Louis S. Saco, MD

Signature

Sworn to and subscribed before me this 22 day of December, 2017

Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ OR Produced Identification ☐

Type of Identification Produced _____



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☐ Home ☒ Office

1600 Lakeland Hills Boulevard

Street or Post Office Box

Lakeland, FL 33805

City, State, Zip Code

Louis S. Saco, MD

Print Name

Signature

CERTIFICATION

STATE OF FLORIDA

COUNTY OF Polk

Before me, the undersigned Notary Public of Florida, personally appeared

Louis S. Saco, MD,

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Louis S. Saco, MD

Signature of Applicant-Affiant

Sworn to and subscribed before me this 28th day of November, 2017.

Diane Black Stepanic

Signature of Notary Public-State of Florida

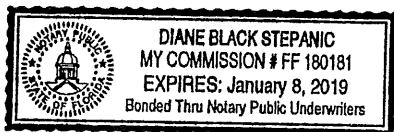
Diane Black Stepanic

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: January 8, 2019

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



(seal)

Amended
3040

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Anne T. Egan

is duly appointed a member of the
**Board of Trustees,
University of North Florida**

for a term beginning on the Seventh day of January, A.D., 2018,
until the Sixth day of January, A.D., 2023 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fourth day of January, A.D., 2018.*

Ken Detzner

Secretary of State



State of Florida appears in small letters across the face of this 8 1/2 x 11" document.

If photocopied or chemically altered, the word "VOID" will appear.



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

AMENDED

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

December 15, 2017

MEMORANDUM

To: Ms. Inez Williams

From: Cora Merritt
University Trustees Coordinator

Subject: Appointments to the University Boards of Trustees by the
Board of Governors, November 9, 2017

This is to advise you that the Board of Governors made the following appointments to the University Boards of Trustees, on Thursday, November 9, 2017.

To the Florida A & M University Board of Trustees: Ms. Kimberly Moore was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

To the Florida Atlantic University Board of Trustees: Mr. Brent Burns was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by Thomas Workman, Jr.

To the Florida Gulf Coast University Board of Trustees: Mr. Richard Eide was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by John Dudley Goodlette.

To the Florida International University Board of Trustees: Mr. Roger Tovar was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by Jorge Luis Arrizurieta.


Ms. Inez Williams
December 15, 2017
Page 2 of 2

To the Florida Polytechnic University Board of Trustees: Dr. Louis Saco was appointed for a term that began November 8, 2017 and ends November 7, 2022, to the seat previously held by William Mitchell Brown.

To the Florida State University Board of Trustees: Mr. Jim Henderson was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat which he previously held by Leslie Victor Pantin.

To the New College of Florida Board of Trustees: Mr. George Skestos was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which he previously held.

To the University of Central Florida Board of Trustees: Ms. Beverly Seay was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

 To the University of North Florida Board of Trustees: Dr. Anne Egan was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat which was previously held by Fred D. Franklin.

To the University of West Florida Board of Trustees: Ms. Suzanne Lewis was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

Attached are copies of the letters from Chancellor Marshall M. Criser III.

Thank you for your assistance in processing these appointments for their Senate confirmation. Please call me if you need additional information.

Enclosures



STATE
UNIVERSITY
SYSTEM
of FLORIDA

RECEIVED

17 NOV 17 PM 3:30

DIVISION OF ELECTIONS
SECRETARY OF STATE

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

November 15, 2017

Dr. Anne Egan
2121 Park Street
Jacksonville, Florida 32204

Dear Dr. Egan:

On Thursday, November 9, 2017, the Florida Board of Governors approved the recommendation made by its Nomination and Governance Committee to appoint you as a member of the University of North Florida Board of Trustees. Please accept our congratulations.

The appointment acknowledges your record of public service and numerous career milestones. Your achievements are sure to provide expertise to the State University System of Florida and University of North Florida as you serve in the capacity of a trustee. The appointment, subject to confirmation by the Florida Senate, your attendance of a System orientation session, and annual attendance at the Trustee Summits conducted by the Board of Governors, is for a term that begins January 6, 2018 and ends on January 6, 2023.

Your role as a trustee is vital to the governance and success of our System. Members of the Board of Governors rely on all the university trustees to exercise due diligence in connection with their oversight responsibilities for our universities.

Thank you for your willingness to serve. We look forward to working with you as a member of the University of North Florida Board of Trustees.

Sincerely,

A handwritten signature in cursive script, reading "Marshall M. Criser III".

Marshall M. Criser III
Chancellor

c: Thomas G. Kuntz, Chair, Board of Governors and
Nomination and Governance Committee
Joy Korman, Chair, Board of Trustees
John Delaney, President, University of North Florida
Sharon Bove, Board of Trustees Liaison
Vikki Shirley, Corporate Secretary and General Counsel
Cora Merritt, University Trustees Coordinator

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Duval

RECEIVED
DEPARTMENT OF STATE
17 DEC -4 AM 9:48
DIVISION OF ELECTIONS
TALLAHASSEE, FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board Member of the University of North Florida
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

Sworn to and subscribed before me this 28th day of November, 2017.

Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR

Produced Identification ☒

Type of Identification Produced Driver's License

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

4211 Yacht Club Rd
Street or Post Office Box

Jacksonville, FL 32210
City, State, Zip Code

Print Name

Signature

CERTIFICATION

STATE OF FLORIDA

COUNTY OF Duval

Before me, the undersigned Notary Public of Florida, personally appeared

Anne T. Egan

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

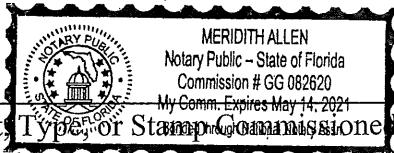


Signature of Applicant-Affiant

Sworn to and subscribed before me this 28th day of November, 2017.

M. Allen

Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commission) Name of Notary Public)

My commission expires: May 14, 2021

Personally Known ☒ OR Produced Identification ☒

Type of Identification Produced Driver's License

(seal)

Amended
3050

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Suzanne Lewis

is duly appointed a member of the

**Board of Trustees,
University of West Florida**

for a term beginning on the Seventh day of January, A.D., 2018,
until the Sixth day of January, A.D., 2023 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fourth day of January, A.D., 2018.*

Ken Detzner

Secretary of State



DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

Amended



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

December 15, 2017

MEMORANDUM

To: Ms. Inez Williams

From: Cora Merritt
University Trustees Coordinator

Subject: Appointments to the University Boards of Trustees by the
Board of Governors, November 9, 2017

This is to advise you that the Board of Governors made the following appointments to the University Boards of Trustees, on Thursday, November 9, 2017.

To the Florida A & M University Board of Trustees: Ms. Kimberly Moore was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

To the Florida Atlantic University Board of Trustees: Mr. Brent Burns was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by Thomas Workman, Jr.

To the Florida Gulf Coast University Board of Trustees: Mr. Richard Eide was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by John Dudley Goodlette.

To the Florida International University Board of Trustees: Mr. Roger Tovar was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat previously held by Jorge Luis Arrizurieta.

Ms. Inez Williams
December 15, 2017
Page 2 of 2

To the Florida Polytechnic University Board of Trustees: Dr. Louis Saco was appointed for a term that began November 8, 2017 and ends November 7, 2022, to the seat previously held by William Mitchell Brown.

To the Florida State University Board of Trustees: Mr. Jim Henderson was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat which he previously held by Leslie Victor Pantin.

To the New College of Florida Board of Trustees: Mr. George Skestos was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which he previously held.

To the University of Central Florida Board of Trustees: Ms. Beverly Seay was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

To the University of North Florida Board of Trustees: Dr. Anne Egan was appointed for a term beginning January 7, 2018 and ending January 6, 2023, to the seat which was previously held by Fred D. Franklin.

To the University of West Florida Board of Trustees: Ms. Suzanne Lewis was reappointed for a second term beginning January 7, 2018 and ending January 6, 2023, to the seat which she previously held.

Attached are copies of the letters from Chancellor Marshall M. Criser III.

Thank you for your assistance in processing these appointments for their Senate confirmation. Please call me if you need additional information.

Enclosures



STATE
UNIVERSITY
SYSTEM
of FLORIDA

RECEIVED

17 NOV 17 PM 3:30

DIVISION OF ELECTIONS
SECRETARY OF STATE

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685

November 15, 2017

Ms. Suzanne Lewis
2020 East Bobe Street
Pensacola, Florida 32503

Dear Ms. Lewis:

On Thursday, November 9, 2017, the Florida Board of Governors approved the recommendation made by its Nomination and Governance Committee to reappoint you as a member of the University of West Florida Board of Trustees. Please accept our congratulations.

The appointment acknowledges your record of public service and numerous career milestones. Your achievements are sure to provide expertise to the State University System of Florida and University of West Florida as you serve in the capacity of a trustee. The appointment, subject to confirmation by the Florida Senate, your attendance of a System orientation session, and annual attendance at the Trustee Summits conducted by the Board of Governors, is for a term that began January 6, 2018 and ends on January 6, 2023.

Your role as a trustee is vital to the governance and success of our System. Members of the Board of Governors rely on all the university trustees to exercise due diligence in connection with their oversight responsibilities for our universities.

Thank you for your willingness to serve. We look forward to working with you as a member of the University of West Florida Board of Trustees.

Sincerely,

Marshall M. Criser III
Chancellor

- c: Thomas G. Kuntz, Chair, Board of Governors and
Nomination and Governance Committee
Mort O'Sullivan, Chair, Board of Trustees
Dr. Martha Saunders, President, University of West Florida
Becky Luntsford, Board of Trustees Liaison
Vikki Shirley, Corporate Secretary and General Counsel
Cora Merritt, University Trustees Coordinator

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Escambia

RECEIVED
DEPARTMENT OF STATE
17 DEC -4 AM 10:14
DIVISION OF ELECTIONS
TALLAHASSEE, FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board of Trustees, University of West Florida
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Suzanne Lewis
Signature

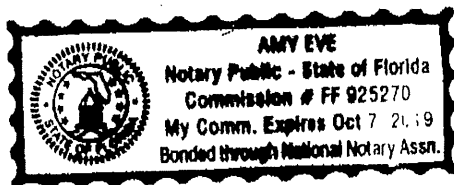
Sworn to and subscribed before me this 29th day of November, 2017.

Amy Eve
Signature of Officer Administering Oath or of Notary Public

Amy Eve
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced Florida Drivers License



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

2020 East Bobe St

Street or Post Office Box

Pensacola, FL 32503

City, State, Zip Code

Suzanne Lewis

Print Name

Suzanne Lewis
Signature

CERTIFICATION

STATE OF FLORIDA
COUNTY OF

Escambia

Before me, the undersigned Notary Public of Florida, personally appeared

_____,
who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Ampere Lewis
Signature of Applicant-Affiant

Sworn to and subscribed before me this 7 day of December, 2017.

Karen A. Nix
Signature of Notary Public, State of Florida



KAREN A. NIX
Commission # FF 198495
Expires March 27, 2019
Bonded Third Party Insurance 800-385-7019

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

(seal)