

Tab 1	SJR 274 by Baxley (CO-INTRODUCERS) Mayfield, Perry, Rouson ; (Identical to H 00229) Limitation on Terms of Office for Members of a District School Board
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Tab 2	SB 382 by Montford ; Teacher Scholarship Program
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Tab 3	SB 456 by Gibson ; (Similar to H 00117) Historically Black Colleges and Universities Matching Endowment Scholarship Program
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Tab 4	SB 458 by Gibson ; (Similar to H 00119) Trust Funds/Historically Black Colleges and Universities Matching Endowment Scholarship Trust Fund
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Tab 5	SB 1726 by Gruters ; (Similar to CS/H 01171) Parental Rights
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224148 A S RCS ED, Gruters Delete L.89 - 216: 04/10 04:00 PM

Tab 6	SB 1380 by Perry ; (Identical to H 01051) Gardiner Scholarship
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Tab 7	SPB 7106 by ED ; Risk Protection Orders
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Diaz, Chair
Senator Montford, Vice Chair

MEETING DATE: Wednesday, April 10, 2019

TIME: 1:30—3:30 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Diaz, Chair; Senator Montford, Vice Chair; Senators Baxley, Berman, Cruz, Perry, Simmons, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SJR 274 Baxley (Identical HJR 229)	Limitation on Terms of Office for Members of a District School Board; Proposing amendments to the State Constitution to limit the terms of office for a member of a district school board, etc. EE 03/12/2019 Favorable ED 04/10/2019 Favorable RC	Favorable Yeas 5 Nays 3
2	SB 382 Montford	Teacher Scholarship Program; Establishing the Teacher Scholarship Program within the Department of Education; providing a purpose of, and the criteria for, student eligibility for the program; specifying funding and the department's authority to prorate awards under a certain circumstance, etc. ED 04/10/2019 Favorable AED AP	Favorable Yeas 8 Nays 0
3	SB 456 Gibson (Similar H 117, Compare H 119, Linked S 458)	Historically Black Colleges and Universities Matching Endowment Scholarship Program; Establishing the Historically Black Colleges and Universities Matching Endowment Scholarship Program within the Department of Education; providing for funding of the program; requiring that historically black colleges or universities provide a certain amount of matching funds by a specified date as a condition of participation in the program, etc. ED 04/10/2019 Favorable AED AP	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education

Wednesday, April 10, 2019, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 458 Gibson (Similar H 119, Compare H 117, Linked S 456)	Trust Funds/Historically Black Colleges and Universities Matching Endowment Scholarship Trust Fund; Creating the Historically Black Colleges and Universities Matching Endowment Scholarship Trust Fund within the Department of Education; providing for the purpose of source of funds for the trust fund; providing for future review and termination or re-creation of the trust fund, etc. ED 04/10/2019 Favorable AED AP	Favorable Yeas 8 Nays 0
5	SB 1726 Gruters (Similar CS/H 1171)	Parental Rights; Designating the "Parents' Bill of Rights"; providing that the state, its political subdivisions, other governmental entities, or other institutions may not infringe on parental rights without demonstrating specified information; requiring each district school board to develop and adopt a policy to promote parental involvement in the public school system; prohibiting certain health care practitioners from taking specified actions without a parent's written permission, etc. ED 04/10/2019 Fav/CS JU RC	Fav/CS Yeas 5 Nays 3
6	SB 1380 Perry (Identical H 1051)	Gardiner Scholarship; Revising eligibility requirements for the Gardiner Scholarship Program; providing that scholarship funds may be spent for tuition and fees associated with programs relating to art, music, or theatre, etc. ED 04/02/2019 Temporarily Postponed ED 04/10/2019 Temporarily Postponed AED AP	Temporarily Postponed
Consideration of proposed bill:			
7	SPB 7106	Risk Protection Orders; Redefining the term "petitioner" to include individuals who have a biological or legal parent-child relationship with, who are a legal guardian of, or who are a sibling of a respondent, etc.	Submitted and Reported Favorably as Committee Bill Yeas 7 Nays 1
(Preliminary Draft Available - final draft will be made available at least 24 hours prior to the meeting)			

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 Ethics and Elections

BILL: SJR 274

INTRODUCER: Senator Baxley

SUBJECT: Limitation on Terms of Office for Members of a District School Board

DATE: April 9, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fox</u>	<u>Roberts</u>	<u>EE</u>	Favorable
2.	<u>Olenick</u>	<u>Sikes</u>	<u>ED</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SJR 274 proposes that district school board members be subject to an 8-year consecutive service term limitation. The language mirrors the current “eight is enough” term limit that applies to Cabinet members and legislators. The provision would operate prospectively beginning with the 2020 general election. The likely earliest date that any currently serving school board member could be “termed-out” would be in November 2028.

The joint resolution, if passed by a 3/5ths vote of each House of the Legislature, will be voted on at the general election in November 2020, unless the legislature authorizes an earlier special election for that specific purpose.

II. Present Situation:

Term Limits

The Florida Constitution provides that a person holding any of the following offices may not have his or her name on the ballot for reelection if the person has served, or but for resignation would have served, in an office for eight consecutive years:

- State Senator;
- State Representative;
- Lieutenant Governor;
- Florida Cabinet member;
- U.S. Representative from Florida; or
- U.S. Senator from Florida.¹

¹ Art. VI, s. 4(b), FLA. CONST.

The U.S. Supreme Court has held that state-imposed limits on the terms of *federal* office holders violate the U.S. Constitution, effectively rendering unenforceable Florida's term limits on its congressional members.²

The term limits provision was proposed by citizen initiative and passed at the 1992 general election by a greater than 3-to-1 margin (approved by over 76% of electors voting on the measure).³ The amendment applied *prospectively*; service prior to the 1992 election did not count toward the eight-year restriction. Thus, the term limits amendment did not begin to have a direct impact until the 2000 election cycle.

Florida School Boards

There are currently 358 school board members across the 67 districts in Florida.⁴ There is no provision in the Florida Constitution or Florida Statutes that limits the term of school board members.

Section 4(a) of Article IX of the Florida Constitution provides that:

Each county shall constitute a school district ... In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

The responsibility of each school district includes operating, controlling, and supervising all free public schools within the school district and determining the rate of school district taxes within the limits of the school district.⁵

III. Effect of Proposed Changes:

SJR 274 provides that a person may not appear on the ballot for reelection to the office of school board member if by the end of his or her current term he or she served, or but for resignation will have served, in that office for 8 consecutive years. The language mirrors the current constitutional limits that apply to Cabinet members and state legislators. The proposed amendment would operate prospectively beginning with the 2020 general election, unless the Legislature authorizes it to be voted at an earlier special election; thus, the earliest any currently serving school board member could be "termed-out" likely would be at the 2028 general election.

² See, *U.S. Term Limits, Inc. v. Thornton*, 115 S. Ct. 1842 (1995).

³ See Florida Division of Elections website at <http://dos.elections.myflorida.com/initiatives/> (Year=1992; Ballot proposal #9) (last visited March 6, 2019). For more information on the 1992 term-limit constitutional amendment, see <http://dos.elections.myflorida.com/initiatives/initdetail.asp?account=1066&seqnum=1> (last visited March 6, 2019).

⁴ The Florida School Boards Association, *State of the Association, Vol. 3* at p.1 (2017-18 Annual Report), available at: <http://fsba.org/wp-content/uploads/2018/11/annual-report-201718.pdf> (last visited March 6, 2019). For a list of all Florida school boards and a link to the corresponding school boards website see: <http://fsba.org/membership/school-boards/> (last visited March 6, 2019).

⁵ Fla. Const. Art. IX s. 4(b).

The joint resolution, if passed by a 3/5ths vote of each House of the Legislature, will be voted on at the general election in November 2020, unless the legislature authorizes an earlier special election for that purpose. The joint resolution would apply upon approval of the voters — at least 60% of those voting on the measure.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with either booklets or posters displaying the full text of proposed amendments.

The Division has not completed an agency bill analysis for this bill or for the identical House Bill. Using the Division's 2018 general election estimate of \$120.31 per word, this 318-word amendment should cost just over **\$38,250**.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This joint resolution substantially amends Articles IX and XII of the Florida Constitution.

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.

By Senator Baxley

12-00554-19

2019274__

Senate Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article IX and the creation of a new section in Article XII of the State Constitution to limit the terms of office for a member of a district school board.

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

That the following amendment to Section 4 of Article IX and the creation of a new section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE IX

EDUCATION

SECTION 4. School districts; school boards.—

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district. In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

(b) The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein. Two or more school districts may operate and finance

Page 1 of 2

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

12-00554-19

2019274__

joint educational programs.

(c) A person may not appear on the ballot for reelection to the office of school board member if, by the end of his or her current term of office, the person will have served, or but for resignation would have served, in that office for eight consecutive years.

ARTICLE XII

SCHEDULE

Limitation on terms of office for members of a district school board.—This section and the amendment to Section 4 of Article IX imposing limits on the terms of office for members of a district school board shall take effect on the date they are approved by the electorate, but no service in a term of office which commenced before November 3, 2020, will be counted toward the limitation imposed by this amendment.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE IX, SECTION 4

ARTICLE XII

LIMITATION ON TERMS OF OFFICE FOR MEMBERS OF A DISTRICT SCHOOL BOARD.—Proposing an amendment to the State Constitution to limit terms for school board members by prohibiting incumbent members who have held the office for the preceding eight years from appearing on a ballot for reelection to that office and to specify that the amendment only applies to terms of office beginning on or after November 3, 2020.

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/10/19

Meeting Date

374

Bill Number (if applicable)

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Barbara Barry

Job Title

Address 2622 Noble Drive

Phone 850-385-5671

Tallahassee FL 32308

Email hakataga171@outlook.com

Speaking: [] For [] Against [] Information

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

Representing self

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [] Yes [x] 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)

4/10

Meeting Date

274

Bill Number (if applicable)

Topic Term limits for School Board

Amendment Barcode (if applicable)

Name Brenda Fischer

Job Title Teacher

Address 2812 N 46 Ave

Phone

Street

Nwd

FL

33021

City

State

Zip

Email bfischer34@hotmail.com

Speaking: [] For [] Against [] Information

Waive Speaking: [] In Support [X] 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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

4/10/19
Meeting Date

274
Bill Number (if applicable)

Topic Term Limits for School Board

Amendment Barcode (if applicable)

Name Laura Novosa D

Job Title

Address Street

Phone

City State Zip

Email

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

SR 274
Bill Number (if applicable)

Meeting Date _____

Topic Limitation of Office

Amendment Barcode (if applicable) _____

Name Calder De Oliveira

Job Title RN

Address 2700 No. Atlantic Ave

Phone (412) 400 4374

Daytona Beach FL 32118

Email calder@calderm.com

City State Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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APPEARANCE RECORD

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

SB 0274
Bill Number (if applicable)

Meeting Date _____

Topic Limitation Terms for School Board

Amendment Barcode (if applicable) _____

Name Dana Skumate

Job Title _____

Address 72 NW 45th Ave

Phone _____

Street Deerpeld City FL State 33442 Zip

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

April 10, 2019
Meeting Date

0274
Bill Number (if applicable)

Topic Limit on Terms of Office

Amendment Barcode (if applicable)

Name Barbara Alber

Job Title Educator

Address 123 Puffin Court

Phone _____

Street

Royal Palm Beach, Florida

Email _____

City

State

Zip

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4-10-2019

Meeting Date

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

274

SB ~~770~~

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Jeremy Hayden

Job Title Truck Driver

Address 13248 NE 1st Street Road

Phone 352-355-9330

Silver Springs FL 34488
City State Zip

Email JeremyScottHayden@gmail.com

Speaking: For Against Information

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

Representing Myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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APPEARANCE RECORD

414125

4-10-19

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

SB274

Meeting Date

Bill Number (if applicable)

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Amy Datz

Job Title

Address

Phone

Street

Tallahassee

Email

City

State

Zip

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

4.10.14

Meeting Date

SB 274

Bill Number (if applicable)

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Carolyn Tucker

Job Title

Address 1613 NW 14th Street

Phone 954.534.6033

Street Ft. Lauderdale FL

Email

Speaking: [] For [] Against [] Information

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

Representing Self

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

4/10/19

Meeting Date

SR 274

Bill Number (if applicable)

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Noah Holliman

Job Title

Address 2704 Willow Lane

Phone 954-288-1436

Street

Lauderdale Lake

FL

33311

City

State

Zip

Email

Speaking: [] For [] Against [] Information

Waive Speaking: [] In Support [x] 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.

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THE FLORIDA SENATE

APPEARANCE RECORD

4/9/19 Meeting Date

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

SB 274 Bill Number (if applicable)

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Linda Lewis

Job Title

Address 2846 SW 4th Court

Phone 954-609-6159

Street Ft. Lauderdale FL 33312 City State Zip

Email

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

4/10/19
Meeting Date

STR 274
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Greg Pound

Job Title Saving Families

Address 9166 Sunrise Dr

Phone _____

Street

Largo

City

FL

State

33773

Zip

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

SJR 274

Bill Number (if applicable)

Meeting Date

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Chris Doolin

Job Title Consultant

Address 118-B THOMASVILLE Rd

Phone 850-~~22~~508-5492

Street Tallahassee Fla.

Email cdoolin@netally.com

City Fla. State 32308 Zip

Speaking: For Against Information

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

Representing Small School/District Council Consortium

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)

4/10/19
Meeting Date

SB 274
Bill Number (if applicable)

Topic Term Limits on Local School Boards

Amendment Barcode (if applicable)

Name Robert Doane

Job Title Retired

Address 1724 Branchwater Tr.

Phone 407 739-1108

Orlando FL 32825
City State Zip

Email brdoane@yahoo.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

4/10/18

Meeting Date

SB 274

Bill Number (if applicable)

Topic Term Limits

Amendment Barcode (if applicable)

Name Rich Templin

Job Title _____

Address 135 S. Monroe

Phone 850-224-6926

Street

Tallahassee

FL

32301

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Florida AFL-CIO

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

4/10/19

Meeting Date

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

SB 274

Bill Number (if applicable)

Topic SCHOOL BOARD TERM LIMITS

Amendment Barcode (if applicable)

Name MATTHEW KELLY

Job Title

Address 2105 NE 55th St.

Phone

Street

City Ocala, FL 34479

State

Zip

Email

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

4/10

Meeting Date

SJK 274

Bill Number (if applicable)

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Nick Tomboulides

Job Title Executive Director - US Term Limits

Address 812 Hoodsone Cn Ln #201

Phone 646-709-2966

Melbourne FL 32940

Email NTomboulides@termlimits.com

City State Zip

Speaking: [X] For [] Against [] Information

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

Representing US Term Limits

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [] Yes [] No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

4-10-19

Meeting Date

274

Bill Number (if applicable)

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Shawn Frost

Job Title Director of Advocacy

Address 1103 Hays St.

Phone (850) 462-5155

Street

Tallahassee

FL

32301

Email admin@schoolchoicemovement.org

City

State

Zip

Speaking: For Against Information

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

Representing School Choice Movement

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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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)

4/10/19
Meeting Date

274
Bill Number (if applicable)

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Patricia Sullivan

Job Title _____

Address 187 Mabry St

Phone 772-913-2375

Sebastian FL 32958
City State Zip

Email patrisullivan77@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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

4-10-19
Meeting Date

~~7106~~
~~1701~~ 274
Bill Number (if applicable)

Topic School Board Team Limits

Amendment Barcode (if applicable)

Name Shayna Lopez-Ruas

Job Title Retail Supervisor

Address Protected by state statute
Street

Phone _____

City State Zip

Email _____

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.

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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)

4/10/19

Meeting Date

274

Bill Number (if applicable)

Topic school Board Term Limits

Amendment Barcode (if applicable)

Name James Sullivan

Job Title

Address 187 Mabry Street

Street

Phone 772-410-6171

Sebastian, FL, 32958

City

State

Zip

Email jsullivan@TerraOptimus.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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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4/10/19

Meeting Date

SR 274

Bill Number (if applicable)

Topic SCHOOL BOARD Term Limits

Amendment Barcode (if applicable)

Name JOHN HALLMAN

Job Title LEGISLATIVE AFFAIRS

Address PO BOX 2349

Phone 352-200-1530

Street

BUSHNELL FL 33513

City

State

Zip

Email JOHN.HALLMAN@JOHN.HALLMAN.OAG

Speaking: [X] For [] Against [] Information

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

Representing LIBERTY FIRST NETWORK

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] 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

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4/10/19

Meeting Date

274

Bill Number (if applicable)

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Austin Sekel

Job Title

Address 9498 S Military Trail

Phone 561.843.7702

Street Boynton Beach FL 33436

Email auser@sekel@gmail.com

City State Zip

Speaking: [X] For [] Against [] Information

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

Representing

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [] Yes [] No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

4/10/19

Meeting Date

SB0274

Bill Number (if applicable)

Topic Limitation on Terms of Office

Amendment Barcode (if applicable)

Name Nicolette Springer

Job Title Legislative Analyst

Address _____

Phone _____

Street

Orlando

FL

32832

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing League of Women Voters

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

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4/10/19
Meeting Date

SJR 274
Bill Number (if applicable)

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Patricia Drago

Job Title Exec Dir of Facilities & Retired

Address 325 Pelican Ave
Street

Phone 386 405 5281

Daytona Beach, FL 32118
City State Zip

Email patddrago@aol.com

Speaking: For Against Information

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

Representing myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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4/10/19

Meeting Date

SJR 274

Bill Number (if applicable)

Topic SJR 274 Limitation of Terms of School Board Amendment Barcode (if applicable)

Name Janet Nelson

Job Title _____

Address 2407 John Anderson Dr.

Street

Phone 386-267-8432

Ormond Beach FL 32176

City

State

Zip

Email beeetingnelson@yahoo.com

Speaking: For Against Information

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

Representing N/A

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)

4/10/19
Meeting Date

SB 274
Bill Number (if applicable)

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Maureen Gibson

Job Title _____

Address 10596 Senegal DR.
Street

Phone 850-791-8014

Pensacola FL 32534
City State Zip

Email _____

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

7-10-19

Meeting Date

SB-274

Bill Number (if applicable)

Topic SCHOOL BOARD TERM LIMITS

Amendment Barcode (if applicable)

Name RICH POULLETTE

Job Title _____

Address 2841 OAK DR

Phone 561-312-4111

Street

W.P.B.

City

FL

State

33406

Zip

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

4/10/19

Meeting Date

SB274

Bill Number (if applicable)

Topic Term limits for school board

Amendment Barcode (if applicable)

Name Justin Peacock

Job Title _____

Address 20569 County Rd N 68

Phone _____

Street

Robertsdale

AL

36567

Email _____

City

State

Zip

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.

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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)

4-10-19

Meeting Date

274

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Kammeron Brown

Job Title _____

Address 1008 Redbud Ave
Street

Phone _____

Tallahassee FL 32303
City State Zip

Email _____

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)

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 382

INTRODUCER: Senator Montford

SUBJECT: Teacher Scholarship Program

DATE: April 9, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Sikes	ED	Favorable
2.			AED	
3.			AP	

I. Summary:

SB 382 establishes the Teacher Scholarship (scholarship) Program to encourage students who exhibit academic excellence to pursue a career in education. The bill specifies the following:

- Eligibility criteria for undergraduate and graduate students in a teacher preparation program to qualify for the scholarship.
 - An eligible undergraduate student may be awarded a scholarship of up to \$5,000 per semester, not to exceed \$10,000 per year, for 2 undergraduate years or for a maximum of 3 years for a program that requires a fifth year of instruction to obtain an initial teaching certification.
 - An eligible graduate student may be awarded a scholarship of up to \$5,000 per semester, not to exceed \$10,000 per year, for up to 2 years.
- Eligibility criteria for scholarship recipients to receive a one-time stipend in the amount of \$10,000.
- Requirements for the Department of Education (DOE) and public postsecondary education institutions with teacher preparation programs approved by the DOE.

Presently, 54 public and private colleges and universities offer DOE-approved Initial Teacher Preparation Programs. The number of students enrolled in such ITPs who may qualify for the scholarship is currently unknown. Implementation of the bill is subject to legislative appropriation.

The bill takes effect July 1, 2019.

II. Present Situation:

The Florida Legislature has established scholarship and incentive programs to support the training, and reward the academic achievement and performance of teachers in Florida.

Scholarship and Incentive Programs for Teachers in Florida

Minority Teacher Education Scholars Program

The minority teacher education scholars program provides an annual scholarship in an amount that may not exceed \$4,000 for each approved minority teacher education scholar who is enrolled in one of Florida's public or private colleges or universities, is admitted into a teacher education program, and has not earned more than 18 credit hours of upper-division-level courses in education.¹ A student may receive a scholarship from the program for 3 consecutive years if the student remains enrolled full-time in the teacher education program and makes satisfactory progress toward a baccalaureate degree with a major in education or a graduate degree with a major in education, leading to initial certification.² In 2018, the Legislature appropriated \$917,798 for the minority teacher education scholars program.³ During the 2017-2018 academic year, 269 students from 31 public and private colleges and universities in Florida received an average award of approximately \$3,338.⁴

Florida Best and Brightest Teacher Scholarship Program

The Florida Best and Brightest Teacher Scholarship Program, administered by the Department of Education (DOE), is established to provide funding for scholarships to classroom teachers who have demonstrated a high level of academic achievement.⁵ Florida law specifies the scholarship eligibility criteria.⁶ In 2018, the Legislature appropriated 233,950,000 for the Florida Best and Brightest Teacher and Principal Scholarship Program, of which \$231,545,485 was allocated for the Florida Best and Brightest Teacher Scholarship Program.⁷ During the 2017-2018 fiscal year:⁸

- 9,229 classroom teachers received \$6,000 in award based on being evaluated as “highly effective” and scoring at or above the 80th percentile on the SAT or ACT.
- 586 newly hired classroom teachers received \$6,000 in award based on scoring at or above the 80th percentile on the SAT or ACT.
- 82,790 teachers received the \$1,200 award based on being evaluated as “highly effective.”
- 72,126 teachers received the \$800 award based on being evaluated as “effective.”

III. Effect of Proposed Changes:

SB 382 establishes the Teacher Scholarship (scholarship) Program to encourage students who exhibit academic excellence to pursue a career in education. The bill specifies the following:

- Eligibility criteria for undergraduate and graduate students in a teacher preparation program to qualify for the scholarship.
 - An eligible undergraduate student may be awarded a scholarship of up to \$5,000 per semester, not to exceed \$10,000 per year, for 2 undergraduate years or for a maximum of 3 years for a program that requires a fifth year of instruction to obtain an initial teaching

¹ The award amount must be prorated based on available appropriations. Section 1009.60(1), F.S.

² *Id.* at (4).

³ Specific Appropriations 71, ch. 2018-9, L.O.F.

⁴ Florida Department of Education Office of Student Financial Assistance, *End-of-Year Report (2017-18)*, available at https://www.floridastudentfinancialaidsg.org/PDF/PSI/FFMT_2017_2018.pdf, at 3 of 4.

⁵ Section 1012.731(2), F.S.

⁶ *Id.*, at (3).

⁷ Email, Florida Department of Education (April 8, 2019); *see also* specific Appropriations 101, ch. 2018-9, L.O.F.

⁸ Email, Florida Department of Education (Feb. 25, 2019).

- certification.
- An eligible graduate student may be awarded a scholarship of up to \$5,000 per semester, not to exceed \$10,000 per year, for up to 2 years.
 - Eligibility criteria for scholarship recipients to receive a one-time stipend in the amount of \$10,000.
 - Requirements for the Department of Education (DOE or department) and public postsecondary education institutions with teacher preparation programs approved by the DOE.

Initial Teacher Preparation Programs (ITPs) are offered by postsecondary institutions in Florida to prepare instructional personnel, resulting in qualification for an initial Florida Professional Educator's Certificate.⁹ Candidates of ITPs typically work towards earning a bachelor's or a master's degree.¹⁰ Presently, 54 public and private colleges and universities offer DOE-approved ITPs.¹¹ During the 2016-2017 academic year, 16,767 students were enrolled in an ITP at a Florida College System institution, state university, or private college or university in Florida.¹²

The Teacher Scholarship Program

The bill establishes the Teacher Scholarship (scholarship) Program within the DOE to encourage students who exhibit academic excellence to pursue a career in education. The program must provide:

- Scholarships to eligible students for upper-division undergraduate and graduate study.
- A one-time stipend to students who complete their program of study and their first year of employment as a classroom teacher¹³ at a public school in Florida.

Scholarships for Undergraduate Students

To be eligible for an undergraduate scholarship, a student must meet all of the following requirements:

- Be a full-time, upper-division undergraduate student in a teacher preparation program approved by the department.¹⁴
- The general student eligibility requirements for state financial aid,¹⁵ except as otherwise provided.

⁹ Florida Department of Education, *Initial Teacher Preparation Programs*, <http://www.fldoe.org/teaching/preparation/initial-teacher-preparation-programs/> (last visited April 4, 2019).

¹⁰ *Id.*

¹¹ Florida Department of Education, *State-Approved Educator Preparation Programs*, <http://www.fldoe.org/teaching/preparation/initial-teacher-preparation-programs/approved-teacher-edu-programs.stml> (last visited April 4, 2019).

¹² Email, Florida Department of Education (April 9, 2019).

¹³ Classroom teachers are staff members assigned the professional activity of instructing students in courses in classroom situations, including basic instruction, exceptional student education, career education, and adult education, including substitute teachers. Section 1012.01(2)(a), F.S.

¹⁴ The State Board of Education is required to adopt rules that establish uniform core curricula for each state-approved teacher preparation program. The rules to establish uniform core curricula for each state-approved teacher preparation program must include the components specified in law. Section 1004.04(2), F.S.; see *also* Rule 6A-5.066, F.A.C.

¹⁵ Florida law specifies the general requirements for student eligibility for state financial aid awards and tuition assistance grants Section 1009.40, F.S.

- The following academic requirements:
 - Earn an SAT score that corresponds to the 80th SAT percentile rank or a concordant ACT score; and
 - Maintain a minimum cumulative undergraduate grade point average of 3.25 on a 4.0 scale.

The bill authorizes a scholarship for undergraduate students for up to \$5,000 per semester, not to exceed \$10,000 per year, for 2 undergraduate years or for a maximum of 3 years for a program that requires a fifth year of instruction to obtain an initial teaching certification. However, the bill specifies that the department may prorate the scholarships if the appropriation is insufficient to fully fund each eligible student.

Scholarship for Graduate Students

To be eligible for a graduate scholarship, a student must meet the state financial aid eligibility and academic requirements specified in the bill for undergraduate students. In addition, the bill specifies the following eligibility requirements for a graduate scholarship:

- Hold a bachelor's degree from any college or university accredited by a regional accrediting association¹⁶ as defined by State Board of Education (state board) rule.
- Be a full-time graduate student in an eligible postsecondary graduate teacher education program leading to a master's, specialist, or doctoral degree.
- Not have previously received a teaching certificate resulting from an undergraduate degree in education.
- Not have received an undergraduate scholarship under the Teacher Scholarship Program.

The bill authorizes a scholarship for graduate students for up to \$5,000 per semester, not to exceed \$10,000 per year, for up to 2 years. However, the bill specifies that the department may prorate the scholarships if the appropriation is insufficient to fully fund each eligible student.

Stipend for Scholarship Recipients

To be eligible for a one-time stipend of \$10,000, a scholarship recipient must:

- Complete a teacher education program approved by the department and earn a bachelor's or graduate degree, as applicable.
- Notify the department, in a manner prescribed by department rule, that he or she has been employed by a school district in this state as a classroom teacher; and
- Complete his or her first year of employment as a classroom teacher at a public school in this state.

¹⁶ Currently, there are six regional accrediting organizations: Higher Learning Commission, Middle States Commission on Higher Education; New England Commission on Higher Education; Northwest Commission on Colleges and Universities; Southern Association of Colleges and Schools, Commission on Colleges; Western Association of Schools and Colleges (WASC), Accrediting Commission for Colleges and Junior Colleges and WASC Senior Colleges and University Commission. U.S. Department of Education, *Accreditation in the United States: Recognized Accrediting Agencies*, https://www2.ed.gov/admins/finaid/accred/accreditation_pg5.html#NationallyRecognized (last visited April 8, 2019); see also Council for Higher Education Accreditation (CHEA), *Regional Accrediting Organizations*, www.chea.org/regional-accrediting-organizations-accreditor-type (last visited April 8, 2019).

However, the bill specifies that the department may prorate the stipends if the appropriation is insufficient to fully fund each eligible student.

Requirements for the Department of Education

The bill requires the department to disburse, no later than each June 1, the one-time stipend to each school district for an eligible candidate whose employment is confirmed as of May 1. The bill also specifies that:

- A candidate who is hired after the first quarter of the academic year is eligible for a prorated stipend as determined by the department.
- A candidate may not receive both the stipend and an award under the Florida Best and Brightest Teacher Scholarship Program.

Requirements for Postsecondary Education Institutions

The bill requires each postsecondary education institution to do all of the following:

- By each September 1, certify to the department the names of students eligible for the program.
- Throughout the academic year, notify the department of any scholarship recipient whose scholarship should be rescinded due to disenrollment from the teacher education program.

Rulemaking

The bill requires the state board to adopt rules to administer the Teacher Scholarship Program.

The scholarship may provide a financial incentive for students to enroll in teacher preparation programs and pursue a teaching career in Florida, which may assist the state in filling vacant teaching positions including those in critical shortage areas.¹⁷

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁷ The term “critical teacher shortage area” means high-need content areas and high-priority location areas identified by the State Board of Education (state board). The state board is required to adopt rules necessary to annually identify critical teacher shortage areas. Section 1012.07, F.S.; see also Florida Department of Education, *Identification of Critical Teacher Shortage Areas*, available at <http://www.fldoe.org/core/fileparse.php/7584/urlt/CTSA1819.pdf>.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill extends a financial benefit, through the Teacher Scholarship (scholarship) Program, to students enrolled in teacher preparation programs approved by the Department of Education (DOE), which may assist the students in defraying the costs associated with teacher preparation programs.

C. Government Sector Impact:

Presently, 54 public and private colleges and universities offer DOE-approved Initial Teacher Preparation Programs (ITPs). The number of students enrolled in such ITPs who may qualify for the scholarship is currently unknown. Implementation of the bill is subject to legislative appropriation.

VI. Technical Deficiencies:

The bill specifies that to be eligible for a graduate scholarship, a student must meet academic requirements specified in the bill for undergraduate students, which includes maintaining a minimum cumulative undergraduate grade point average of 3.25 on a 4.0 scale.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1009.897 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.

By Senator Montford

3-00905-19

2019382__

1 A bill to be entitled
 2 An act relating to the Teacher Scholarship Program;
 3 creating s. 1009.897, F.S.; establishing the Teacher
 4 Scholarship Program within the Department of
 5 Education; providing a purpose of, and the criteria
 6 for, student eligibility for the program; specifying
 7 duties of each postsecondary institution for the
 8 program; providing for disbursement of the scholarship
 9 awards; providing for stipends; specifying funding and
 10 the department's authority to prorate awards under a
 11 certain circumstance; providing for rulemaking;
 12 providing an effective date.
 13
 14 Be It Enacted by the Legislature of the State of Florida:
 15
 16 Section 1. Section 1009.897, Florida Statutes, is created
 17 to read:
 18 1009.897 The Teacher Scholarship Program.—
 19 (1) The Teacher Scholarship Program is established within
 20 the department to encourage students who exhibit academic
 21 excellence to pursue a career in education. The program shall
 22 provide scholarships to eligible students for upper-division
 23 undergraduate and graduate study. The program shall also provide
 24 a one-time stipend to students who complete their program of
 25 study and their first year of employment as a classroom teacher
 26 at a public school in this state.
 27 (2) To be eligible for an undergraduate scholarship under
 28 the program, a student must meet all of the following
 29 requirements:

Page 1 of 4

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

3-00905-19

2019382__

30 (a) Be a full-time, upper-division undergraduate student in
 31 a teacher preparation program approved by the department
 32 pursuant to s. 1004.04.
 33 (b) The general student eligibility requirements for state
 34 financial aid as specified in s. 1009.40, except as otherwise
 35 provided in this section.
 36 (c) The following academic requirements:
 37 1. Earn an SAT score that corresponds to the 80th SAT
 38 percentile rank or a concordant ACT score; and
 39 2. Maintain a minimum cumulative undergraduate grade point
 40 average of 3.25 on a 4.0 scale.
 41 (3) To be eligible for a graduate scholarship under the
 42 program, a student must meet all of the following requirements:
 43 (a) The criteria specified in paragraphs (2)(b) and (c).
 44 (b) Hold a bachelor's degree from any college or university
 45 accredited by a regional accrediting association as defined by
 46 State Board of Education rule.
 47 (c) Be a full-time graduate student in an eligible
 48 postsecondary graduate teacher education program leading to a
 49 master's, specialist, or doctoral degree.
 50 (d) Not have previously received a teaching certificate
 51 resulting from an undergraduate degree in education.
 52 (e) Not have received an undergraduate scholarship pursuant
 53 to this section.
 54 (4) Each postsecondary institution shall do all of the
 55 following:
 56 (a) By each September 1, certify to the department the
 57 names of students eligible for the program.
 58 (b) Throughout the academic year, notify the department of

Page 2 of 4

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

3-00905-19 2019382__

59 any scholarship recipient whose scholarship should be rescinded
60 due to disenrollment from the teacher education program.

61 (5) (a) An eligible undergraduate student may be awarded a
62 scholarship of up to \$5,000 per semester, not to exceed \$10,000
63 per year, for 2 undergraduate years or for a maximum of 3 years
64 for a program that requires a fifth year of instruction to
65 obtain an initial teaching certification.

66 (b) An eligible graduate student may be awarded a
67 scholarship of up to \$5,000 per semester, not to exceed \$10,000
68 per year, for up to 2 years.

69 (6) (a) A scholarship recipient may receive a one-time
70 stipend of \$10,000 after:

71 1. Completing the teacher education program required under
72 this section and earning a bachelor's or graduate degree, as
73 applicable;

74 2. Notifying the department, in a manner prescribed by
75 department rule, that he or she has been employed by a school
76 district in this state as a classroom teacher as defined in s.
77 1012.01(2); and

78 3. Completing his or her first year of employment as a
79 classroom teacher at a public school in this state.

80 (b) No later than each June 1, the department shall
81 disburse the stipend to each school district for an eligible
82 candidate whose employment is confirmed as of May 1. A candidate
83 who is hired after the first quarter of the academic year is
84 eligible for a prorated stipend as determined by the department.
85 A candidate may not receive both the stipend and an award under
86 s. 1012.731.

87 (7) This section shall be implemented only to the extent

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88 specifically funded and authorized by law. The department may
89 prorate the scholarships and stipends authorized by this section
90 if the appropriation is insufficient to fully fund each eligible
91 student.

92 (8) The State Board of Education shall adopt rules to
93 administer the program.

94 Section 2. This act shall take effect July 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

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

April 10
Meeting Date

0382
Bill Number (if applicable)

Topic Teacher Scholarship Program

Amendment Barcode (if applicable)

Name Brenda Fischer

Job Title Teacher

Address 2812 N 46 Ave

Phone _____

Street

AWC

City

State

FL

Zip

33021

Email bfisher34@

hotmail.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.

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/10/19

Meeting Date

382

Bill Number (if applicable)

Topic Teacher Scholarship Program

Amendment Barcode (if applicable)

Name Ellen Baker

Job Title Teacher

Address 5673 Whirlaway Rd

Phone

Street

Palm Beach Gardens, FL 33418

Email

City

State

Zip

Speaking: [X] 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 [X] No

Lobbyist registered with Legislature: [] Yes [X] No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

4/10/19
Meeting Date

382
Bill Number (if applicable)

Topic Teacher Scholarship Program

Amendment Barcode (if applicable)

Name Vera Pickup-Crawford

Job Title Legislative Liaison

Address 571 Kingsbury Terrace
Street

Phone ~~813~~ 861-644-2439

Wellington FL 33414
City State Zip

Email vcrawford@msu.com

Speaking: For Against Information

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

Representing Collier County School Board

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

4/10/2019
Meeting Date

SB 382
Bill Number (if applicable)

Topic Teacher Scholarship Program

Amendment Barcode (if applicable)

Name Khanh-Lien ("Con Lynn") Banko

Job Title Resolutions Chair

Address 1747 Orlando Central Parkway

Phone 407-855-7604

Street

Orlando

City

FL

State

32809

Zip

Email resolutions@floridapta.org

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
APPEARANCE RECORD

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

10 April 19

Meeting Date

SB 382

Bill Number (if applicable)

Topic Teacher Scholarship Program

Amendment Barcode (if applicable)

Name James Mosteller

Job Title Advocacy Associate

Address 215 S. Monroe Street

Phone 850-727-3712

Street

Tallahassee

FL

32301

Email JamesM@excelined.org

City

State

Zip

Speaking: For Against Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

4/10/19

Meeting Date

SB 0382

Bill Number (if applicable)

Topic Teacher Scholarship Program

Amendment Barcode (if applicable)

Name Nicolette Springer

Job Title Legislative Analyst

Address _____

Phone _____

Street

Orlando

FL

32832

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing League of Women Voters

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)

SB382

Meeting Date

Bill Number (if applicable)

Topic Teacher Scholarship

Amendment Barcode (if applicable)

Name Calleen De Oliveira

Job Title RN

Address 2200 No Atlantic Ave

Phone 412 400 8374

Daytona Beach FL 32118

Email

Street

City

State

Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

4/10/19

Meeting Date

SB382

Bill Number (if applicable)

Topic Teacher Scholarship Program

Amendment Barcode (if applicable)

Name Janet Nelson

Job Title _____

Address 2407 John Anderson Dr

Phone 386-267-8432

Street

Ormond Beach FL 32176

Email beestjnelson@yahoo.com

City

State

Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

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)

4/10/19
Meeting Date

SB 382
Bill Number (if applicable)

Topic Teacher Scholarship

Amendment Barcode (if applicable)

Name Pat Drago

Job Title Exec. Dir of Facilities Retired

Address 325 Pelican Ave
Street

Phone 386-405-5281

Daytona Bch FL 32118
City State Zip

Email patddrago@aol

Speaking: For Against Information

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

Representing myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 456
INTRODUCER: Senator Gibson
SUBJECT: Historically Black Colleges and Universities Matching Endowment Scholarship Program
DATE: April 9, 2019 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Sikes	ED	Favorable
2.			AED	
3.			AP	

I. Summary:

SB 456 creates the Historically Black Colleges and Universities (HBCU) Matching Endowment Scholarship Program (program) to be administered by the Department of Education (DOE) and funded by the HBCU Matching Endowment Scholarship Trust Fund. The program provides funds to participating HBCUs to provide scholarships to students enrolled at the HBCUs.

Four HBCUs are located in Florida: Florida Agricultural and Mechanical University, Bethune-Cookman University, Edward Waters College, and Florida Memorial University.

The bill appropriates \$2 million for the program to fund the Historically Black Colleges and Universities Matching Endowment Scholarship Trust Fund (trust fund); and by June 30, 2020, requires an HBCU that wishes to participate in the program to contribute \$500,000 in matching funds.

Additionally, the bill requires:

- The DOE to allocate interest accumulated in the trust fund equally to each participating HBCU and requires that the scholarships be awarded based on a student’s unmet financial need, as determined by the participating HBCU.
- The State Board of Education to adopt rules and the Board of Governors to adopt regulations to administer the program.

The bill takes effect July 1, 2019.

II. Present Situation:

The Higher Education Act of 1965, as amended, defines an HBCU as a: “... 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

Nationally, there are 107 HBCUs² located in 20 States, the District of Columbia, and the U.S. Virgin Islands, and serve more than 300,000 undergraduate, graduate, and professional students.³

There are four HBCUs located in Florida:⁴

- **Florida Agricultural and Mechanical University (FAMU)**, which is a public university founded in 1887 and located in Tallahassee.⁵ FAMU is regionally accredited by SACSCOC.⁶ FAMU enrolls nearly 11,000 students.⁷ Tuition and fees are \$5,827.30.⁸
- **Bethune-Cookman University (B-CU)**, which is a private university founded in 1904 and located in Daytona Beach.⁹ B-CU is regionally accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (SACSCOC).¹⁰ Its fall, 2018 enrollment was 3,773.¹¹ Annual tuition and fees is \$14,410.¹²
- **Edward Waters College (EWC)**, which is a private college established in 1866¹³ and located in Jacksonville. EWC is regionally accredited by SACSCOC.¹⁴ Its current enrollment is 839 students.¹⁵ Tuition and fees are \$12,525.¹⁶

¹ U.S. Department of Education, *What is an HBCU?* <https://sites.ed.gov/whhbcu/one-hundred-and-five-historically-black-colleges-and-universities/> (last visited Apr. 1, 2019).

² Such institutions satisfy s. 322(2) of the Higher Education Act of 1965. 34 C.F.R. s. 608.2

³ The White House, *Executive Order 13779* (Feb. 28, 2017), available at https://sites.ed.gov/whhbcu/files/2017/10/Executive_Order_13779.pdf, at 1.

⁴ National Center for Education Statistics, *College Navigator*, <https://nces.ed.gov/COLLEGENAVIGATOR/?s=FL&sp=4> (last visited Apr. 1, 2019).

⁵ Florida Agricultural and Mechanical University, *History of Florida Agricultural and Mechanical University (FAMU)*, <http://www.famu.edu/index.cfm?AboutFAMU&History> (last visited Apr. 1, 2019).

⁶ Florida Agricultural and Mechanical University, *Florida A&M University Southern Association of Colleges and Schools Commission on Colleges (FAMU SACSCOC) Office* <http://www.famu.edu/index.cfm?sacs> (last visited Apr. 1, 2019). The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) is the regional body for the accreditation of degree-granting higher education institutions in the Southern states that award associate, baccalaureate, master’s, or doctoral degrees, to include Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia. Southern Association of Colleges and Schools (SACS), *SACS Commission on Colleges*, <http://www.sacscoc.org/> (last visited Apr. 1, 2019).

⁷ Florida Agricultural and Mechanical University, *About FAMU*, <http://www.famu.edu/index.cfm?AboutFAMU&Overview> (last visited Apr. 1, 2019).

⁸ Board of Governors, *State University System of Florida, Tuition and Required Fees, 2018-2019*, available at <https://www.flbog.edu/board/office/budget/doc/tuition/2018-19-SUS-Tuition-and-Fee-for-New-Students-by-level.pdf>, at 1. The tuition and fees are for resident undergraduate, full time students for 30 credit hours. *Id.*

⁹ Bethune-Cookman University, *About B-CU*, http://www.cookman.edu/about_BCU/index.html (last visited Apr. 1, 2019).

¹⁰ *Id.*

¹¹ Bethune-Cookman University, *Bethune-Cookman University At-a-Glance* (Fall 2018), available at https://www.cookman.edu/about_BCU/IE/documents/BCU-at-a-Glance-2018.pdf.

¹² Bethune-Cookman University, *Tuition and Fees for 2018-2019—Cost of Attendance*, https://www.cookman.edu/currentstudents/stud_accts/Tuition/index.html (last visited Apr. 1, 2019).

¹³ Edward Waters College, *The History of Edward Waters College*, <https://www.ewc.edu/about/our-history/> (last visited Apr. 1, 2019).

¹⁴ Edward Waters College, <https://www.ewc.edu/accreditation/> (last visited Apr. 1, 2019).

¹⁵ Edward Waters College, *Edward Waters College*, <https://www.ewc.edu/about-about-ewc/> (last visited Apr. 1, 2019).

¹⁶ Edward Waters College, *Student Profile & Achievement*, <https://www.ewc.edu/institutional-planning-research-effectiveness/student-profile-achievement/> (last visited Apr. 1, 2019).

- **Florida Memorial University** (FMU), which is a private university founded in 1879 and located in Miami Gardens.¹⁷ FMU is regionally accredited by the SACSCOC.¹⁸ FMU's undergraduate enrollment is 1,250.¹⁹ Tuition and fees are \$15,536.²⁰

III. Effect of Proposed Changes:

SB 456 creates the Historically Black Colleges and Universities (HBCU) Matching Endowment Scholarship Program (program) to be administered by the Department of Education (DOE) and funded by the HBCU Matching Endowment Scholarship Trust Fund (trust fund).²¹ The program provides funds to participating HBCUs to provide scholarships to students enrolled at the HBCUs.

The bill appropriates \$2 million in nonrecurring general revenue funds for the 2019-2020 fiscal year to the DOE to fund the trust fund. The bill also requires:

- No later than June 30, 2020, an HBCU that intends to participate in the program to contribute \$500,000 in matching funds for funds received through the program.
- All funds transferred to the trust fund be invested in accordance with the law,²² appropriated and matching funds remain in the trust fund,²³ and only the interest from such funds be used for scholarships for students at participating HBCUs.
- The DOE to allocate interest accumulated in the trust fund during the previous calendar year equally to each participating HBCU and requires that the scholarships be awarded to enrolled students with unmet financial need, as determined by the HBCU.

The bill also requires the State Board of Education to adopt rules and the Board of Governors (BOG) to adopt regulations to administer the program. The bill requires the DOE to administer the program, so it is unclear if BOG regulations would be necessary to administer the program.

The creation of the HBCU Matching Endowment Scholarship Program may provide additional financial aid for students enrolled at the HBCUs participating in the program, may help to increase enrollment in Florida HBCUs, and assist with improving performance outcomes for such students.

¹⁷ Florida Memorial University, *Our History*, <http://www.fmuniv.edu/about/our-history/> (last visited Apr. 1, 2019).

¹⁸ Florida Memorial University, *FMU At A Glance*, <http://www.fmuniv.edu/about/fmu-at-a-glance/> (last visited Apr. 1, 2019).

¹⁹ National Center for Education Statistics, *College Navigator—Florida Memorial University*, <https://nces.ed.gov/collegenavigator/?s=FL&ct=2&pg=3&id=133979> (last visited Apr. 1, 2019).

²⁰ Florida Memorial University, *Tuition and Fees*, <https://www.fmuniv.edu/administration/division-of-student-affairs/enrollment-management-and-financial-aid/financial-aid/tuition-and-fees/> (last visited Apr. 1, 2019).

²¹ The HBCU Matching Endowment Scholarship Trust Fund is established in Senate Bill 458 (2019).

²² Chapter 215, F.S.

²³ Current law requires that that the undisbursed release balance of any authorized appropriation, except an appropriation for fixed capital outlay, for any given fiscal year, which remains undisbursed on June 30 may be carried forward, but on September 30 must revert to the fund from which appropriated and must be available for reappropriation by the Legislature. Section 216.301(1)(b), F.S. The bill, in comparison, requires that such funds remain in the trust fund, which supersedes the reversion requirement. Section 216.351, F.S.

Additionally, the program appears to be consistent with a recent federal initiative.²⁴ The White House Initiative on Historically Black Colleges and Universities (initiative) specifies that the initiative will work with federal agencies, private-sector employers, educational associations, philanthropic organizations, and other partners to increase the capacity of HBCUs to provide the highest-quality education to an increasing number of students.²⁵

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

SB 456 provides for scholarships for students to attend historically black colleges and universities. Such scholarships may reduce student costs to attend such colleges.

C. Government Sector Impact:

The bill requires the Legislature to appropriate \$2 million to transfer into the Historically Black Colleges and Universities (HBCU) Matching Endowment Scholarship Trust Fund. Each HBCU must contribute \$500,000 in matching funds.

²⁴ The White House, *Executive Order 13779* (Feb. 28, 2017), https://sites.ed.gov/whhbcu/files/2017/10/Executive_Order_13779.pdf.

²⁵ *Id.* at 1.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1009.895 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.

By Senator Gibson

6-00562-19

2019456__

A bill to be entitled

An act relating to the Historically Black Colleges and Universities Matching Endowment Scholarship Program; creating s. 1009.895, F.S.; establishing the Historically Black Colleges and Universities Matching Endowment Scholarship Program within the Department of Education; providing for funding of the program; providing the purpose of the program; requiring that historically black colleges or universities provide a certain amount of matching funds by a specified date as a condition of participation in the program; requiring that certain funds remain in the trust fund; providing that any interest accruing to the funds be used to provide scholarships to certain students; providing for annual disbursement of the interest; requiring the State Board of Education and the Board of Governors to adopt rules and regulations, respectively; providing for an appropriation; providing an effective date.

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

Section 1. Section 1009.895, Florida Statutes, is created to read:

1009.895 Historically Black Colleges and Universities Matching Endowment Scholarship Program.—

(1) There is established the Historically Black Colleges and Universities Matching Endowment Scholarship Program to be administered by the Department of Education, to be funded by the

Page 1 of 3

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

6-00562-19

2019456__

Historically Black Colleges and Universities Matching Endowment Scholarship Trust Fund, established under s. 20.151.

(2) The program shall provide funds to participating historically black colleges and universities in this state to provide scholarships to enrolled students. No later than June 30, 2020, each historically black college and university in the state which intends to participate in the program shall provide \$500,000 in matching funds for funds received through the program.

(3) Funds transferred to the Historically Black Colleges and Universities Matching Endowment Scholarship Trust Fund must be invested in accordance with chapter 215. Notwithstanding s. 216.301 and pursuant to s. 216.351, the appropriated funds and all matching funds shall remain in the trust fund, and only the interest from such funds may be used for scholarships for students enrolled at participating colleges and universities.

(4) Annually, the department shall allocate the interest accumulated in the Historically Black Colleges and Universities Matching Endowment Scholarship Trust Fund during the previous calendar year equally among the participating colleges and universities to award scholarships. Each participating college and university shall award such scholarships to enrolled students with unmet financial need, as it determines such need.

(5) The State Board of Education shall adopt rules, and the Board of Governors shall adopt regulations, to administer this section.

Section 2. For the 2019-2020 fiscal year, the sum of \$2 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education for the purpose of

Page 2 of 3

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

6-00562-19

2019456__

59 funding the Historically Black Colleges and Universities

60 Matching Endowment Scholarship Trust Fund.

61 Section 3. This act shall take effect July 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/10/19
Meeting Date

456
Bill Number (if applicable)

Topic Historically Black Colleges - Univ
Matching gifts

Amendment Barcode (if applicable)

Name Barbara Cohen Pippin

Job Title Director of Governmental Relations

Address 400 Lee Hall
Street

Phone 850-599-3225

Tallahassee Fl. 32317
City State Zip

Email barbara.pippin@gmail.com

Speaking: For Against Information

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

Representing Florida A+M University

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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APPEARANCE RECORD

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

4/10/19
Meeting Date

SB 456
Bill Number (if applicable)

Topic HBCU

Amendment Barcode (if applicable)

Name Dr. Karen Morian

Job Title Professor

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing United Faculty 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.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 458

INTRODUCER: Senator Gibson

SUBJECT: Trust Funds/Historically Black Colleges and Universities Matching Endowment
Scholarship Trust Fund

DATE: April 9, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Sikes</u>	<u>ED</u>	<u>Favorable</u>
2.	_____	_____	<u>AED</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 458 creates the Historically Black Colleges and Universities (HBCU) Matching Endowment Scholarship Trust Fund (trust fund) within the Department of Education. The trust fund is established for use as a depository for funds to be used for purposes of the HBCU Matching Endowment Scholarship Program. The bill specifies that moneys to be credited to the trust fund must consist of an appropriation from the Legislature and matching funds from participating HBCUs in the state.

The bill takes effect contingent upon, and concurrent with, passage of SB 456, which takes effect July 1, 2019.

II. Present Situation:

Trust Funds

Establishment of Trust Funds

A trust fund may be created by law only by the Legislature and only if passed by a three-fifths vote of the membership of each house in a separate bill for that purpose only.¹ Except for trust funds being re-created by the Legislature, each trust fund must be created by statutory language that specifies at least the following:²

- The name of the trust fund.
- The agency or branch of state government responsible for administering the trust fund.
- The requirements or purposes that the trust fund is established to meet.

¹ Section 215.3207, F.S.

² *Id.*

- The sources of moneys to be credited to the trust fund or specific sources of receipts to be deposited in the trust fund.

Florida Constitution Requirement for Trust Funds

The Florida Constitution requires that state trust funds must terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund.³ By law the Legislature may set a shorter time period for which any trust fund is authorized.⁴

Review of Trust Funds

The Legislature must review all state trust funds at least once every 4 years.⁵ Prior to the regular session of the Legislature immediately preceding the date on which any executive or judicial branch trust fund is scheduled to be terminated,⁶ or such earlier date as the Legislature may specify.⁷

The agency responsible for the administration of the trust fund and the Governor, for executive branch trust funds, or the Chief Justice, for judicial branch trust funds, must recommend to the President of the Senate and the Speaker of the House of Representatives whether the trust fund should be allowed to terminate or should be re-created.⁸ Each recommendation must be based on a review of the purpose and use of the trust fund and a determination of whether the trust fund will continue to be necessary.⁹ A recommendation to re-create the trust fund may include suggested modifications to the purpose, sources of receipts, and allowable expenditures for the trust fund.¹⁰

When the Legislature terminates a trust fund, the agency or branch of state government that administers the trust fund must pay any outstanding debts or obligations of the trust fund as soon as practicable.¹¹ The Legislature may also provide for the distribution of moneys in that trust fund. If no such distribution is provided, the moneys remaining after all outstanding obligations of the trust fund are met must be deposited in the General Revenue Fund.¹²

Historically Black Colleges and Universities

The Higher Education Act of 1965, as amended, defines an HBCU as a: "... 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

³ Art. III, s. 19(f)(2), Fla. Const.

⁴ *Id.*

⁵ Section 215.3208(1), F.S.

⁶ Pursuant to Art. III, s. 19(f), Fla. Const.

⁷ Section 215.3206(1), F.S.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Section 215.3208(2)(a), F.S.

¹² *Id.* at (b).

the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation.”¹³

Nationally, there are 107 HBCUs¹⁴ located in 20 States, the District of Columbia, and the U.S. Virgin Islands, and serve more than 300,000 undergraduate, graduate, and professional students.¹⁵

There are four HBCUs in Florida:¹⁶

- **Florida Agricultural and Mechanical University (FAMU)**, which is a public university founded in 1887 and located in Tallahassee.¹⁷ FAMU is regionally accredited by SACSCOC.¹⁸ FAMU enrolls nearly 11,000 students.¹⁹ Tuition and fees are \$5,827.30.²⁰
- **Bethune-Cookman University (B-CU)**, which is a private university founded in 1904 and located in Daytona Beach.²¹ B-CU is regionally accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (SACSCOC).²² Its fall, 2018 enrollment was 3,773.²³ Annual tuition and fees is \$14,410.²⁴
- **Edward Waters College (EWC)**, which is a private college established in 1866²⁵ and located in Jacksonville. EWC is regionally accredited by SACSCOC.²⁶ Its current enrollment is 839 students.²⁷ Tuition and fees are \$12,525.²⁸

¹³ U.S. Department of Education, *What is an HBCU?* <https://sites.ed.gov/whhbcu/one-hundred-and-five-historically-black-colleges-and-universities/> (last visited Apr. 1, 2019).

¹⁴ Such institutions satisfy s. 322(2) of the Higher Education Act of 1965. 34 C.F.R. s. 608.2

¹⁵ The White House, *Executive Order 13779* (Feb. 28, 2017), available at https://sites.ed.gov/whhbcu/files/2017/10/Executive_Order_13779.pdf, at 1.

¹⁶ National Center for Education Statistics, *College Navigator*, <https://nces.ed.gov/COLLEGENAVIGATOR/?s=FL&sp=4> (last visited Apr. 1, 2019).

¹⁷ Florida Agricultural and Mechanical University, *History of Florida Agricultural and Mechanical University (FAMU)*, <http://www.famu.edu/index.cfm?AboutFAMU&History> (last visited Apr. 1, 2019).

¹⁸ Florida Agricultural and Mechanical University, *Florida A&M University Southern Association of Colleges and Schools Commission on Colleges (FAMU SACSCOC) Office* <http://www.famu.edu/index.cfm?sacs> (last visited Apr. 1, 2019). The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) is the regional body for the accreditation of degree-granting higher education institutions in the Southern states that award associate, baccalaureate, master’s, or doctoral degrees, to include Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia. Southern Association of Colleges and Schools (SACS), *SACS Commission on Colleges*, <http://www.sacscoc.org/> (last visited Apr. 1, 2019).

¹⁹ Florida Agricultural and Mechanical University, *About FAMU*, <http://www.famu.edu/index.cfm?AboutFAMU&Overview> (last visited Apr. 1, 2019).

²⁰ Board of Governors, *State University System of Florida, Tuition and Required Fees, 2018-2019*, available at <https://www.flbog.edu/board/office/budget/doc/tuition/2018-19-SUS-Tuition-and-Fee-for-New-Students-by-level.pdf>, at 1. The tuition and fees are for resident undergraduate, full time students for 30 credit hours. *Id.*

²¹ Bethune-Cookman University, *About B-CU*, http://www.cookman.edu/about_BCU/index.html (last visited Apr. 1, 2019).

²² *Id.*

²³ Bethune-Cookman University, *Bethune-Cookman University At-a-Glance* (Fall 2018), available at https://www.cookman.edu/about_BCU/IE/documents/BCU-at-a-Glance-2018.pdf.

²⁴ Bethune-Cookman University, *Tuition and Fees for 2018-2019—Cost of Attendance*, https://www.cookman.edu/currentstudents/stud_accts/Tuition/index.html (last visited Apr. 1, 2019).

²⁵ Edward Waters College, *The History of Edward Waters College*, <https://www.ewc.edu/about/our-history/> (last visited Apr. 1, 2019).

²⁶ Edward Waters College, <https://www.ewc.edu/accreditation/> (last visited Apr. 1, 2019).

²⁷ Edward Waters College, *Edward Waters College*, <https://www.ewc.edu/about-about-ewc/> (last visited Apr. 1, 2019).

²⁸ Edward Waters College, *Student Profile & Achievement*, <https://www.ewc.edu/institutional-planning-research-effectiveness/student-profile-achievement/> (last visited Apr. 1, 2019).

- **Florida Memorial University** (FMU), which is a private university founded in 1879 and located in Miami Gardens.²⁹ FMU is regionally accredited by the SACSCOC.³⁰ FMU's undergraduate enrollment is 1,250.³¹ Tuition and fees are \$15,536.³²

III. Effect of Proposed Changes:

SB 458 creates the Historically Black Colleges and Universities (HBCU) Matching Endowment Scholarship Trust Fund (trust fund) within the Department of Education. The trust fund is established for use as a depository for funds to be used for purposes of the HBCU Matching Endowment Scholarship Program. The bill specifies that moneys to be credited to the trust fund must consist of an appropriation from the Legislature and matching funds from participating HBCUs in the state.

The bill requires that, in accordance with the State Constitution, the trust fund must be terminated on July 1, 2023, unless terminated sooner. The bill also requires that, before its scheduled termination, the trust fund must be reviewed in accordance with law.

The bill will take effect on the same date as SB 456³³ or similar legislation if such legislation is enacted in the same legislative session, or an extension of the same session, and becomes law. SB 456 takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Art. III, s. 19(f)(1) of the Florida Constitution specifies that a trust fund may be created or re-created only by a three-fifths vote of the membership of each house of the Legislature in a separate bill or that purpose only.

Art. III, s. 19(f)(2) of the State Constitution specifies that state trust funds must terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund. By law the legislature may set a shorter time period for which any trust fund is authorized.

²⁹ Florida Memorial University, *Our History*, <http://www.fmuniv.edu/about/our-history/> (last visited Apr. 1, 2019).

³⁰ Florida Memorial University, *FMU At A Glance*, <http://www.fmuniv.edu/about/fmu-at-a-glance/> (last visited Apr. 1, 2019).

³¹ National Center for Education Statistics, *College Navigator—Florida Memorial University*, <https://nces.ed.gov/collegenavigator/?s=FL&ct=2&pg=3&id=133979> (last visited Apr. 1, 2019).

³² Florida Memorial University, *Tuition and Fees*, <https://www.fmuniv.edu/administration/division-of-student-affairs/enrollment-management-and-financial-aid/financial-aid/tuition-and-fees/> (last visited Apr. 1, 2019).

³³ The bill does not specify SB 456, but SB 456 establishes the HBCU Matching Endowment Scholarship Program.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

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 creates section 20.151 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.

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 1726

INTRODUCER: Education Committee and Senator Gruters

SUBJECT: Parental Rights

DATE: April 4, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Sikes	ED	Fav/CS
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1726 establishes the “Parents’ Bill of Rights” and declares that it is a fundamental right of parents to direct the upbringing, education, and care of their children. To safeguard parental rights, the bill:

- Reserves certain rights to a parent of a minor child and prohibits any person or entity from infringing upon those rights without demonstrating that the infringement is reasonable and necessary to achieve a compelling state interest, is narrowly tailored to achieve the interest, and is not otherwise served by a less restrictive means.
- Requires each school district to adopt a policy to promote parental notification and involvement in the public school system and provides requirements for the policy.
- Establishes parental consent requirements for health care purposes and provides for disciplinary action against health care practitioners who violate parental consent requirements.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2019.

II. Present Situation:

Parents and guardians have a fundamental right to direct the upbringing and education of children under their control.¹ No state or federal entity may abridge a parent’s fundamental right to direct the upbringing and education of his or her child without demonstrating that the

¹ See *Wisconsin v. Yoder*, 406 U.S. 205, 233 (1972).

proposed action is reasonable and necessary to achieve a compelling state interest, narrowly tailored to achieve the interest, and the least restrictive means available to achieve the interest.²

Mandatory Attendance

All children who turn 6 years by February 1 of any school year and have not attained the age of 16 years are required to attend school regularly during the entire school term.³ Parents have the option to comply with school attendance laws by enrolling the student in a public school; a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program.⁴ The district school superintendent may authorize certificates of exemptions from school attendance requirements in certain situations.⁵ A student who holds a valid certificate of exemption is exempt from attending school. A certificate of exemption expires at the end of the school year.⁶

A parent of a K-12 student is afforded numerous statutory rights.⁷ Each school district is required to:

- Provide a parent with specific information about his or her child's educational progress, comprehensive information about opportunities for involvement in the child's education, and a framework for building and strengthening partnerships among parents and school district personnel.⁸
- Afford a parent the opportunity to enroll his or her child in instruction for exceptional students or challenge a district school board's determination of the child's eligibility for a gifted or special education program.⁹
- Establish a policy enabling a parent to object to and contest specific instructional materials.¹⁰
- Notify a parent and obtain his or her consent before a public school student may be transported in a privately owned motor vehicle to a school function or referred to contraceptive services at school facilities.¹¹

No educational agency or institution may collect, obtain, or retain information on the political affiliation, voting history, religious affiliation, or biometric information of a student or a parent or sibling of the student.¹² In addition, a parent may exempt his or her child from:¹³

- A health examination on religious grounds.
- School immunization requirements on religious or certain health grounds.¹⁴
- Performing surgery or dissection in a biological science class.

² *Id.*

³ Section 1003.21, F.S.

⁴ Section 1002.20(2)(b), F.S.

⁵ Section 1003.21, F.S.

⁶ *Id.*

⁷ Section 1002.20, F.S.

⁸ Section 1002.23, F.S.

⁹ Section 1003.57, F.S.

¹⁰ Section 1006.28(1)(a)2.-3., F.S.

¹¹ Sections 1002.20(3)(e) and (22)(c), F.S.

¹² Section 1002.222(1)(a), F.S.

¹³ Section 1002.20, F.S.

¹⁴ Section 1002.20(3)(b), F.S.

- Receiving instruction on reproductive health or any disease, including HIV/AIDS.¹⁵
- Reciting the pledge of allegiance.
- Reciting the Declaration of Independence.¹⁶

Access to Records and Information

The rights of students and their parents with respect to education records created, maintained, or used by public educational institutions and agencies are protected.¹⁷ Specifically, a parent of a K-12 student has the right to:¹⁸

- Receive accurate and timely information regarding the student's academic progress and must be informed of ways a parent can help a student succeed in school.
- Access the student's education records, including the right to inspect and review those records.
- Challenge the content of education records in order to ensure that the records are not inaccurate, misleading, or otherwise a violation of privacy or other rights.
- Privacy with respect to the student's records and reports.
- Receive annual notice of the parent's rights with respect to education records.
- Receive report cards on a regular basis that clearly depict and grade the student's academic performance in each class or course, the student's conduct, and the student's attendance.¹⁹
- Receive reports at regular intervals of the academic progress and other needed information regarding the student.
- Receive timely notification of any verified report of a substance abuse violation by the student.
- Access information relating to the school district's policies for promotion or retention, including high school graduation requirements.²⁰
- Access information relating to student eligibility to participate in extra-curricular activities.²¹
- Access information relating to the state public education system, standards, and requirements.²²
- Access, review, object to, and challenge instructional and supplemental education materials.²³

Parental Consent for Health Care

Any medical decision made to address a student's needs is a matter between the student, the student's parent, and a competent health care professional chosen by the parent.²⁴ The right to consent to medical treatment for a child resides with a parent.²⁵ District school boards may adopt

¹⁵ Section 1002.20(3)(d), F.S.

¹⁶ Section 1003.421(4), F.S.

¹⁷ Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g; and s. 1002.22, F.S.

¹⁸ Sections 1002.20, 1002.22(2), and 1006.28, F.S.

¹⁹ Section 1002.20(14), F.S.

²⁰ Section 1008.25, F.S.

²¹ Section 1006.195, F.S.

²² Section 1002.23, F.S.

²³ Sections 1002.20(19) and 1006.28, F.S.

²⁴ Section 1006.0625, F.S.

²⁵ *O'Keefe v. Orea*, 731 So. 2d 680, 686 (Fla. 1st DCA 1998).

policies to ensure an appropriate response in emergency situations and the provision of first aid and emergency medical care.²⁶ A parent has the right to be notified and give consent for proposed medical procedures on his or her child, unless, within a reasonable degree of medical certainty, delay in the provision of emergency medical care would endanger the health or physical well-being of the child, and the emergency medical care or treatment is administered in a licensed hospital or college health service.²⁷

III. Effect of Proposed Changes:

CS/SB 1726 establishes the “Parents’ Bill of Rights” and declares that it is a fundamental right of parents to direct the upbringing, education, and care of their children. To safeguard parental rights, the bill:

- Reserves certain rights to a parent of a minor child and prohibits any person or entity from infringing upon those rights without demonstrating that the infringement is reasonable and necessary to achieve a compelling state interest, is narrowly tailored to achieve the interest, and is not otherwise served by a less restrictive means.
- Requires each school district to adopt a policy to promote parental notification and involvement in the public school system and provides requirements for the policy.
- Establishes parental consent requirements for health care purposes and provides for disciplinary action against health care practitioners who violate parental consent requirements.

Parents’ Bill of Rights

The Parents’ Bill of Rights provides legislative intent and findings. Specifically, the bill states that:

- Important information relating to a child, including the child’s health and education, should not be inadvertently or purposefully withheld from his or her parent while in the custody of the school district.
- It is necessary to establish a consistent mechanism for parents to be notified of information relating to the health and well-being of their children.
- It is a fundamental right of parents to direct the upbringing, education, and care of their children.

The bill defines the term “parent” as a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian. The bill prohibits the state or any other institution from infringing on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of his or her minor child without demonstrating that the infringement is reasonable and necessary to achieve a compelling state interest, is narrowly tailored, and is not otherwise served by a less restrictive means. The bill provides that a parent’s rights with regard to his or her minor child include, but are not limited to, the right to:

- Direct the education and care of the child.
- Direct the upbringing and the moral or religious training of the child.

²⁶ Section 1001.43, F.S.

²⁷ Section 743.0645, F.S.

- Enroll the child in a public, private, or religious school, a home education program, or other available option.
- Access and review all school records relating to the child.
- Make health care decisions for the child.
- Access and review all medical records of the child, unless prohibited by law, or the parent is the subject of an investigation of a crime committed against the minor child, and a law enforcement agency or official requests that the information not be released.
- Consent in writing before a biometric scan of the child is made, shared, or stored.
- Consent in writing before any record of the minor child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by general law or authorized pursuant to a court order.
- Consent in writing before the state or any of its political subdivisions makes a video or voice recording of the minor child unless such recording is made during or as part of a court proceeding, is made by law enforcement or during a law enforcement investigation, is made as part of a forensic interview in a criminal or Department of Children and Families (DCF) investigation or is to be used solely for the following purposes:
 - A safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles;
 - A legitimate academic or extracurricular activity;
 - Regular classroom instructions;
 - Security or surveillance of buildings or grounds; or
 - A photo identification card.
- Be notified promptly if an employee of the state, any of its political subdivisions, any other governmental entity, or any other institution suspects that a criminal offense has been committed against the child, unless the incident has first been reported to law enforcement or the DCF, and notifying the parent would impede the investigation.

The bill clarifies that a parent of a minor child has inalienable rights that are more comprehensive than those listed in the bill, and, unless required by law, the rights of a parent of a minor child may not be limited or denied. The bill expressly does not:

- Authorize a parent of a minor child to engage in conduct that is unlawful.
- Authorize a parent to abuse or neglect the child in violation of general law.
- Condone, authorize, approve, or apply to a parental action or decision that would end life.
- Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a government agency that is responsible for child welfare from acting in an official capacity within the reasonable and prudent scope of authority.
- Prohibit a court of competent jurisdiction from issuing an order that is otherwise permitted by law.

District School Board Requirements

The bill requires each district school board, in consultation with parents, teachers, and administrators, to develop and adopt a policy to promote parental involvement in the public school system. The policy must include:

- A plan for parental participation in schools to improve parent and teacher cooperation in such areas as homework, school attendance, and discipline.

- A procedure for a parent to learn about his or her child's course of study, including the source of any supplemental education materials.
- Procedures for a parent to object to classroom materials and activities and withdraw his or her child from the activity, class, or program in which the materials or activities are used. The objections may be based on beliefs regarding morality, sex, and religion or the belief that such materials or activities are harmful.
- Procedures for a parent to withdraw his or her child from any portion of the school district's comprehensive health education that relates to sex education, instruction in acquired immune deficiency syndrome education, or any instruction regarding sexuality if the parent provides a written objection to his or her child's participation. The procedures must provide for a parent to be notified in advance of the course content so that the parent may withdraw the child from those portions of the course.
- Procedures for a parent to learn about the nature and purpose of clubs and activities offered at his or her child's school, including those that are extracurricular or part of the school curriculum.
- Procedures for a parent to learn about parental rights and responsibilities under general law, including the right of a parent of a K-12 student to:
 - Opt the student out of any portion of the school district's comprehensive health education that relates to sex education instruction in acquired immune deficiency syndrome education or any instruction regarding sexuality.
 - School choice options, including open enrollment.
 - Exempt the student from immunizations.
 - Review statewide, standardized assessment results.
 - Enroll the student in gifted or special education programs.
 - Inspect school district instructional materials.
 - Access to information relating to the school district's policies for promotion or retention, including high school graduation requirements.
 - Receive a school report card and be informed of the student's attendance requirements.
 - Access information relating to the state public education system, state standards, report card requirements, attendance requirements, and instructional materials requirements.
 - Participate in parent-teacher associations and organizations that are sanctioned by a district school board or the Department of Education.
 - Opt out of any district-level data collection relating to the student not required by law.

The bill authorizes a district school board to provide the required information electronically or on its website. The bill authorizes a parent to make a written request for the required information from the district school superintendent and requires the district school superintendent to provide the information within 10 days. A parent may appeal to the district school board if the district school superintendent denies a parent's request for information or fails to respond to the parent's request within 10 days. The bill requires a district school board to place a parent's appeal on the agenda for its next public meeting in which the deadline for filing the agenda has not passed.

The bill authorizes disciplinary action against any government employee who encourages or coerces, or attempts to encourage or coerce, a minor child to withhold information from his or her parent. The bill does not apply to law enforcement personnel and DCF personnel acting within their official capacities.

Parental Consent for Health Care

The bill prohibits a health care practitioner or other person or entity from soliciting, arranging, or performing surgical procedures, physical examinations, mental health evaluations, mental health treatments, or prescribing any prescription drugs to a minor child without the written consent of his or her parent. The bill also prohibits a licensed hospital from allowing a surgical procedure to be performed on a minor child in its facilities without first receiving the written consent of his or her parent. The bill does not prohibit the provision of health care services to a minor child when:

- An emergency condition exists that requires immediate medical attention to prevent a serious injury or save the minor child from death.
- A minor child's parent cannot be located or contacted after a reasonably diligent effort.
- The issue relates to an abortion, which is governed by ch. 390, F.S.

The bill provides that a health care practitioner or other person who solicits, arranges, or performs surgical procedures, physical examinations, mental health evaluations, mental health treatments, or prescribes any prescription drugs to a minor child without the written consent of his or her parent is subject to disciplinary action as provided in general law and commits a misdemeanor of the first degree, punishable by a maximum fine of \$1,000 and imprisonment of one year.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 1014.01, 1014.06, 1014.02, 1014.03, 1014.04, and 1014.05.

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 April 10, 2019.

CS/SB 1726 provides references to existing legal provisions within the PK-20 Florida Education Code that relate to the parental rights indicated in the bill.

Specifically, the committee substitute clarifies that the right of a parent to:

- Access and review all school records relating to the minor child is pursuant to s. 1002.20(13), F.S.
- Exempt his or her student from immunizations is in accordance with s. 1002.20(3)(b), F.S.
- Enroll his or her student in a gifted or special education program is in accordance with s. 1003.57, F.S.
- Inspect school district instructional materials is in accordance with s. 1006.28(2)(a)1., F.S.
- Access information relating to the school district's policies for promotion or retention is in accordance with s. 1008.25, F.S.
- Receive a school report card and be informed of his or her child's attendance requirements is in accordance with s. 1002.20(14), F.S.
- Access information relating to the state public education system, requirements, and standards is in accordance with s. 1002.23, F.S., the Family and School Partnership for Student Achievement Act.
- Participate in parent-teacher associations and organizations that are sanctioned by a district school board or the Department of Education is in accordance with s. 1002.23(4), F.S.

- Opt out of any district-level data collection relating to his or her minor child not required by law is in accordance with s. 1002.222(1)(a), F.S.

The committee substitute specifies that each district school board adopt a policy that includes:

- A plan for parental participation in schools to improve parent and teacher cooperation in such areas as homework, school attendance, and discipline, is pursuant to s. 1002.23, F.S., the Family and School Partnership for Student Achievement Act.
- Procedure for a parent to learn about his or her child's course of study is pursuant to s. 1002.20(19)(b), F.S.
- Procedure for a parent to object to classroom materials and activities and withdraw his or her student from the activity is supported by s. 1006.28(2)(a)2.
- Procedure for a parent to withdraw his or her student from education on sexuality is supported by s. 1002.20(3)(d), F.S.
- Procedures for a parent to learn about the nature and purpose of clubs and activities offered at his or her child's school is pursuant to s. 1006.195(1)(a), F.S.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2019	.	
	.	
	.	
	.	

The Committee on Education (Gruters) recommended the following:

Senate Amendment

Delete lines 89 - 216
and insert:

(d) The right, pursuant to s. 1002.20(13), to access and review all school records relating to the minor child.

(e) The right to make health care decisions for his or her minor child, unless otherwise prohibited by law.

(f) The right to access and review all medical records of the minor child, unless prohibited by law or if the parent is the subject of an investigation of a crime committed against the



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12 minor child and a law enforcement agency or official requests
13 that the information not be released.

14 (g) The right to consent in writing before a biometric scan
15 of the minor child is made, shared, or stored.

16 (h) The right to consent in writing before any record of
17 his or her minor child's blood or deoxyribonucleic acid (DNA) is
18 created, stored, or shared, except as required by general law or
19 authorized pursuant to a court order.

20 (i) The right to consent in writing before the state or any
21 of its political subdivisions makes a video or voice recording
22 of his or her minor child, unless such recording is made during
23 or as part of a court proceeding, is made by law enforcement or
24 during a law enforcement investigation, is made as part of a
25 forensic interview in a criminal or Department of Children and
26 Families investigation, or to be used solely for the following
27 purposes:

28 1. A safety demonstration, including the maintenance of
29 order and discipline in the common areas of a school or on
30 student transportation vehicles;

31 2. A purpose related to a legitimate academic or
32 extracurricular activity;

33 3. A purpose related to regular classroom instructions;

34 4. Security or surveillance of buildings or grounds; or

35 5. A photo identification card.

36 (j) The right to be notified promptly if an employee of the
37 state, any of its political subdivisions, any other governmental
38 entity, or any other institution suspects that a criminal
39 offense has been committed against his or her minor child,
40 unless the incident has first been reported to law enforcement



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41 or the Department of Children and Families and notifying the
42 parent would impede the investigation.

43 (2) This section does not:

44 (a) Authorize a parent of a minor child in this state to
45 engage in conduct that is unlawful or to abuse or neglect his or
46 her minor child in violation of general law;

47 (b) Condone, authorize, approve, or apply to a parental
48 action or decision that would end life;

49 (c) Prohibit a court of competent jurisdiction, law
50 enforcement officer, or employees of a government agency that is
51 responsible for child welfare from acting in his or her official
52 capacity within the reasonable and prudent scope of his or her
53 authority; or

54 (d) Prohibit a court of competent jurisdiction from issuing
55 an order that is otherwise permitted by law.

56 (3) An employee of the state, any of its political
57 subdivisions, or any other governmental entity who encourages or
58 coerces, or attempts to encourage or coerce, a minor child to
59 withhold information from his or her parent may be subject to
60 disciplinary action. This subsection does not apply to law
61 enforcement personnel and Department of Children and Families
62 personnel acting within their official capacities.

63 (4) A parent of a minor child in this state has inalienable
64 rights that are more comprehensive than those listed in this
65 section, unless such rights have been legally waived or
66 terminated. This chapter does not prescribe all rights to a
67 parent of a minor child in this state. Unless required by law,
68 the rights of a parent of a minor child in this state may not be
69 limited or denied. This chapter may not be construed to apply to



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70 a parental action or decision that would end life.

71 Section 6. Section 1014.05, Florida Statutes, is created to
72 read:

73 1014.05 School district notifications on parental rights.-

74 (1) Each district school board shall, in consultation with
75 parents, teachers, and administrators, develop and adopt a
76 policy to promote parental involvement in the public school
77 system. Such policy must include:

78 (a) A plan, pursuant to s. 1002.23, for parental
79 participation in schools to improve parent and teacher
80 cooperation in such areas as homework, school attendance, and
81 discipline.

82 (b) A procedure, pursuant to s. 1002.20(19)(b), for a
83 parent to learn about his or her child's course of study,
84 including the source of any supplemental education materials.

85 (c) Procedures for a parent to object to classroom
86 materials and activities, pursuant to s. 1006.28(2)(a)2., and a
87 process for withdrawing his or her student from the activity,
88 class, or program in which such materials or activities are
89 used. Such objections may be based on beliefs regarding
90 morality, sex, and religion or the belief that such materials or
91 activities are harmful.

92 (d) Procedures, pursuant to s. 1002.20(3)(d), for a parent
93 to withdraw his or her student from any portion of the school
94 district's comprehensive health education required under s.
95 1003.42(2)(n) that relates to sex education or instruction in
96 acquired immune deficiency syndrome education or any instruction
97 regarding sexuality if the parent provides a written objection
98 to his or her child's participation. Such procedures must



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99 provide for a parent to be notified in advance of such course
100 content so that he or she may withdraw his or her student from
101 those portions of the course.

102 (e) Procedures, pursuant to s. 1006.195(1)(a), for a parent
103 to learn about the nature and purpose of clubs and activities
104 offered at his or her child's school, including those that are
105 extracurricular or part of the school curriculum.

106 (f) Procedures for a parent to learn about parental rights
107 and responsibilities under general law, including all of the
108 following:

109 1. Pursuant to s. 1002.20(3)(d), the right to opt his or
110 her minor child out of any portion of the school district's
111 comprehensive health education required under s. 1003.42(2)(n)
112 that relates to sex education instruction in acquired immune
113 deficiency syndrome education or any instruction regarding
114 sexuality.

115 2. A plan to disseminate information, pursuant to s.
116 1002.20(6), about school choice options, including open
117 enrollment.

118 3. In accordance with s. 1002.20(3)(b), the right of a
119 parent to exempt his or her student from immunizations.

120 4. In accordance with s. 1008.22, the right of a parent to
121 review statewide, standardized assessment results.

122 5. In accordance with s. 1003.57, the right of a parent to
123 enroll his or her student in gifted or special education
124 programs.

125 6. In accordance with s. 1006.28(2)(a)1., the right of a
126 parent to inspect school district instructional materials.

127 7. In accordance with s. 1008.25, the right of a parent to



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128 access information relating to the school district's policies
129 for promotion or retention, including high school graduation
130 requirements.

131 8. In accordance with s. 1002.20(14), the right of a parent
132 to receive a school report card and be informed of his or her
133 child's attendance requirements.

134 9. In accordance with s. 1002.23, the right of a parent to
135 access information relating to the state public education
136 system, state standards, report card requirements, attendance
137 requirements, and instructional materials requirements.

138 10. In accordance with s. 1002.23(4), the right of a parent
139 to participate in parent-teacher associations and organizations
140 that are sanctioned by a district school board or the Department
141 of Education.

142 11. In accordance with s. 1002.222(1)(a), the right of a
143 parent to opt out of any district-level

By Senator Gruters

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1 A bill to be entitled
 2 An act relating to parental rights; creating chapter
 3 1014, F.S.; creating s. 1014.01, F.S.; providing a
 4 short title; creating s. 1014.02, F.S.; providing
 5 legislative findings; defining the term "parent";
 6 creating s. 1014.03, F.S.; providing that the state,
 7 its political subdivisions, other governmental
 8 entities, or other institutions may not infringe on
 9 parental rights without demonstrating specified
 10 information; creating s. 1014.04, F.S.; providing that
 11 a parent of a minor child has specified rights
 12 relating to his or her minor child; prohibiting the
 13 state from infringing upon specified parental rights;
 14 prohibiting specified parental rights from being
 15 denied or abridged; providing that certain actions by
 16 specified individuals are grounds for disciplinary
 17 actions against such individuals; providing
 18 construction; creating s. 1014.05, F.S.; requiring
 19 each district school board to develop and adopt a
 20 policy to promote parental involvement in the public
 21 school system; providing requirements for such policy;
 22 authorizing a district school board to provide such
 23 policy electronically or on its website; authorizing a
 24 parent to request certain information in writing;
 25 providing a procedure for the denial of such
 26 information; creating s. 1014.06, F.S.; prohibiting
 27 certain health care practitioners from taking
 28 specified actions without a parent's written
 29 permission; prohibiting certain entities from taking

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30 specified actions relating to a minor's health care
 31 without a parent's written permission; prohibiting a
 32 hospital from allowing certain actions without a
 33 parent's written permission; providing exceptions;
 34 providing penalties; providing an effective date.
 35

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

38 Section 1. Chapter 1014, Florida Statutes, consisting of
 39 ss. 1014.01-1014.06, is created and shall be entitled "Parents'
 40 Bill of Rights."

41 Section 2. Section 1014.01, Florida Statutes, is created to
 42 read:

43 1014.01 Short title.—This section and ss. 1014.02-1014.06
 44 may be cited as the "Parents' Bill of Rights."

45 Section 3. Section 1014.02, Florida Statutes, is created to
 46 read:

47 1014.02 Legislative findings and definition.—

48 (1) The Legislature finds that important information
 49 relating to a child should not be withheld, either inadvertently
 50 or purposefully, from his or her parent, including information
 51 relating to the child's health, well-being, and education, while
 52 the child is in the custody of the school district. The
 53 Legislature further finds it is necessary to establish a
 54 consistent mechanism for parents to be notified of information
 55 relating to the health and well-being of their children and that
 56 it is a fundamental right of parents to direct the upbringing,
 57 education, and care of their children.

58 (2) For purposes of this chapter, the term "parent" means a

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59 person who has legal custody of a minor child as a natural or
 60 adoptive parent or a legal guardian.

61 Section 4. Section 1014.03, Florida Statutes, is created to
 62 read:

63 1014.03 Infringement of parental rights.—The state, any of
 64 its political subdivisions, any other governmental entity, or
 65 any other institution may not infringe on the fundamental rights
 66 of a parent to direct the upbringing, education, health care,
 67 and mental health of his or her minor child without
 68 demonstrating that such action is reasonable and necessary to
 69 achieve a compelling state interest and that such action is
 70 narrowly tailored and is not otherwise served by a less
 71 restrictive means.

72 Section 5. Section 1014.04, Florida Statutes, is created to
 73 read:

74 1014.04 Parental rights.—

75 (1) All parental rights are reserved to the parent of a
 76 minor child in this state without obstruction or interference
 77 from the state, any of its political subdivisions, any other
 78 governmental entity, or any other institution, including, but
 79 not limited to, all of the following rights of a parent of a
 80 minor child in this state:

81 (a) The right to direct the education and care of his or
 82 her minor child.

83 (b) The right to direct the upbringing and the moral or
 84 religious training of the minor child.

85 (c) The right, pursuant to s. 1002.20(2)(b) and (6), to
 86 enroll his or her child in a public school or, as an alternative
 87 to public education, a private school, religious school, a home

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88 education program, or other available options.

89 (d) The right to access and review all school records
 90 relating to the minor child.

91 (e) The right to make health care decisions for his or her
 92 minor child, unless otherwise prohibited by law.

93 (f) The right to access and review all medical records of
 94 the minor child, unless prohibited by law or if the parent is
 95 the subject of an investigation of a crime committed against the
 96 minor child and a law enforcement agency or official requests
 97 that the information not be released.

98 (g) The right to consent in writing before a biometric scan
 99 of the minor child is made, shared, or stored.

100 (h) The right to consent in writing before any record of
 101 his or her minor child's blood or deoxyribonucleic acid (DNA) is
 102 created, stored, or shared, except as required by general law or
 103 authorized pursuant to a court order.

104 (i) The right to consent in writing before the state or any
 105 of its political subdivisions makes a video or voice recording
 106 of his or her minor child unless such recording is made during
 107 or as part of a court proceeding, is made by law enforcement or
 108 during a law enforcement investigation, is made as part of a
 109 forensic interview in a criminal or Department of Children and
 110 Families investigation or to be used solely for the following
 111 purposes:

112 1. A safety demonstration, including the maintenance of
 113 order and discipline in the common areas of a school or on
 114 student transportation vehicles;

115 2. A purpose related to a legitimate academic or
 116 extracurricular activity;

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117 3. A purpose related to regular classroom instructions;
 118 4. Security or surveillance of buildings or grounds; or
 119 5. A photo identification card.
 120 (j) The right to be notified promptly if an employee of the
 121 state, any of its political subdivisions, any other governmental
 122 entity, or any other institution suspects that a criminal
 123 offense has been committed against his or her minor child,
 124 unless the incident has first been reported to law enforcement
 125 or the Department of Children and Families and notifying the
 126 parent would impede the investigation.
 127 (2) This section does not:
 128 (a) Authorize a parent of a minor child in this state to
 129 engage in conduct that is unlawful or to abuse or neglect his or
 130 her minor child in violation of general law;
 131 (b) Condone, authorize, approve, or apply to a parental
 132 action or decision that would end life;
 133 (c) Prohibit a court of competent jurisdiction, law
 134 enforcement officer, or employees of a government agency that is
 135 responsible for child welfare from acting in his or her official
 136 capacity within the reasonable and prudent scope of his or her
 137 authority; or
 138 (d) Prohibit a court of competent jurisdiction from issuing
 139 an order that is otherwise permitted by law.
 140 (3) An employee of the state, any of its political
 141 subdivisions, or any other governmental entity who encourages or
 142 coerces, or attempts to encourage or coerce, a minor child to
 143 withhold information from his or her parent may be subject to
 144 disciplinary action. This subsection does not apply to law
 145 enforcement personnel and Department of Children and Families

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146 personnel acting within their official capacities.
 147 (4) A parent of a minor child in this state has inalienable
 148 rights that are more comprehensive than those listed in this
 149 section, unless such rights have been legally waived or
 150 terminated. This chapter does not prescribe all rights to a
 151 parent of a minor child in this state. Unless required by law,
 152 the rights of a parent of a minor child in this state may not be
 153 limited or denied. This chapter may not be construed to apply to
 154 a parental action or decision that would end life.
 155 Section 6. Section 1014.05, Florida Statutes, is created to
 156 read:
 157 1014.05 School district notifications on parental rights.—
 158 (1) Each district school board shall, in consultation with
 159 parents, teachers, and administrators, develop and adopt a
 160 policy to promote parental involvement in the public school
 161 system. Such policy must include:
 162 (a) A plan for parental participation in schools to improve
 163 parent and teacher cooperation in such areas as homework, school
 164 attendance, and discipline.
 165 (b) A procedure for a parent to learn about his or her
 166 child's course of study, including the source of any
 167 supplemental education materials.
 168 (c) Procedures for a parent to object to classroom
 169 materials and activities and a process for withdrawing his or
 170 her student from the activity, class, or program in which such
 171 materials or activities are used. Such objections may be based
 172 on beliefs regarding morality, sex, and religion or the belief
 173 that such materials or activities are harmful.
 174 (d) Procedures for a parent to withdraw his or her student

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175 from any portion of the school district's comprehensive health
 176 education required under s. 1003.42(2)(n) that relates to sex
 177 education or instruction in acquired immune deficiency syndrome
 178 education or any instruction regarding sexuality if the parent
 179 provides a written objection to his or her child's
 180 participation. Such procedures must provide for a parent to be
 181 notified in advance of such course content so that he or she may
 182 withdraw his or her student from those portions of the course.

183 (e) Procedures for a parent to learn about the nature and
 184 purpose of clubs and activities offered at his or her child's
 185 school, including those that are extracurricular or part of the
 186 school curriculum.

187 (f) Procedures for a parent to learn about parental rights
 188 and responsibilities under general law, including all of the
 189 following:

190 1. The right to opt his or her minor child out of any
 191 portion of the school district's comprehensive health education
 192 required under s. 1003.42(2)(n) that relates to sex education
 193 instruction in acquired immune deficiency syndrome education or
 194 any instruction regarding sexuality.

195 2. School choice options, including open enrollment.

196 3. The right of a parent to exempt his or her student from
 197 immunizations.

198 4. The right of a parent to review statewide, standardized
 199 assessment results pursuant to s. 1008.22.

200 5. The right of a parent to enroll his or her student in
 201 gifted or special education programs.

202 6. The right of a parent to inspect school district
 203 instructional materials.

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204 7. The right of a parent to access to information relating
 205 to the school district's policies for promotion or retention,
 206 including high school graduation requirements.

207 8. The right of a parent to receive a school report card
 208 and be informed of his or her child's attendance requirements.

209 9. The right of a parent to access information relating to
 210 the state public education system, state standards, report card
 211 requirements, attendance requirements, and instructional
 212 materials requirements.

213 10. The right of a parent to participate in parent-teacher
 214 associations and organizations that are sanctioned by a district
 215 school board or the Department of Education.

216 11. The right of a parent to opt out of any district-level
 217 data collection relating to his or her minor child not required
 218 by law.

219 (2) A district school board may provide the information
 220 required in this section electronically or post such information
 221 on its website.

222 (3) A parent may request, in writing, from the district
 223 school superintendent the information required under this
 224 section. Within 10 days, the district school superintendent must
 225 provide such information to the parent. If the district school
 226 superintendent denies a parent's request for information or does
 227 not respond to the parent's request within 10 days, the parent
 228 may appeal the denial to the district school board. The district
 229 school board must place a parent's appeal on the agenda for its
 230 next public meeting. If it is too late for a parent's appeal to
 231 appear on the next agenda, the appeal must be included on the
 232 agenda for the subsequent meeting.

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233 Section 7. Section 1014.06, Florida Statutes, is created to
234 read:

235 1014.06 Parental consent for health care purposes.-

236 (1) (a) Except as otherwise provided by law or a court
237 order, a health care practitioner, as defined in s. 456.001, may
238 not solicit to perform, arrange to perform, or perform surgical
239 procedures, physical examinations, mental health evaluations in
240 a clinical or nonclinical setting, or mental health treatments
241 on a minor child or prescribe any prescription drugs to a minor
242 child without the written consent of his or her parent.

243 (b) Except as otherwise provided by law, a person,
244 corporation, association, organization, state-supported
245 institution, or an individual employed by such entities may not
246 procure, solicit to perform, or arrange for the performance of
247 surgical procedures, physical examinations, mental health
248 evaluations in a clinical or nonclinical setting, or mental
249 health treatments on or the prescribing of prescription drugs to
250 minor child without the written consent of his or her parent.

251 (2) Pursuant to general law, a hospital licensed under
252 chapter 395 may not allow a surgical procedure to be performed
253 on a minor child in its facilities without first receiving the
254 written consent of his or her parent.

255 (3) This section does not apply when an emergency condition
256 exists that requires immediate medical attention to prevent a
257 serious injury or save the minor child from death or if a minor
258 child's parent cannot be located or contacted after a reasonably
259 diligent effort.

260 (4) This section does not apply to an abortion, which is
261 governed by chapter 390.

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262 (5) A health care practitioner or other person who violates
263 this section is subject to disciplinary action as provided in
264 general law and commits a misdemeanor of the first degree,
265 punishable as provided in ss. 775.082 and 775.083.

266 Section 8. This act shall take effect July 1, 2019.
267

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APPEARANCE RECORD

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

4-10-19 Meeting Date

SB 1726 Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Patti Sullivan

Job Title Florida Coordinator ParentalRights.org

Address 187 Mabry St

Phone 772-913-2375

Sebastian FL 32958

Email pattisullivan77@gmail.com

Speaking: [X] For [] Against [] Information

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

Representing Parental Rights.org

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [] Yes [] No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

4-10-14

Bill Number (if applicable)

1726

Topic

parental Rights

Amendment Barcode (if applicable)

Name

Laura L. Nolasad

Job Title

Self

Address

3230 Ft. Demaud Rd.

Phone

239-298-1542

Street

Ft. Demaud Fla. 33935

Email

LRNOLASAD@GMAIL.COM

City

State

Zip

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

4/10/19

Meeting Date

1726

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Ellen Baker

Job Title Teacher

Address 5673 Whirlaway Rd

Phone _____

Street

Palm Beach Gardens, FL 33418

Email _____

City

State

Zip

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.

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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)

April 10, 2019
Meeting Date

1726
Bill Number (if applicable)

Topic Parents' Bill of Rights

Amendment Barcode (if applicable)

Name Shawn Frost

Job Title Director of Advocacy & Past President

Address 981 E. Eau Gallie Blvd. Ste # E 13102
Street

Phone (850) 706-0128

Melbourne FL 32937
City State Zip

Email info@FCSBM.org

Speaking: For Against Information

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

Representing Florida Coalition of School Board Members

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

4/10/19

Meeting Date

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

1720

SB 277

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Greg Pound

Job Title _____

Address 9166 Sunrise Dr

Phone _____

Street

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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APPEARANCE RECORD

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

4/10/19

Meeting Date

SB 1726

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Danielle Irwin

Job Title Volunteer + Mother

Address 3185 Ferns Glen Dr.

Phone 904/537-5013

Street

Tallahassee FL 32309

Email danielle.hirwin@gmail.com

City

State

Zip

Speaking: For Against Information

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

Representing League of Women Voters

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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4/10/19

Meeting Date

SB1726

Bill Number (if applicable)

Topic ~~XXXXXXXXXX~~ Parental Rights

Amendment Barcode (if applicable)

Name Nicolette Springer

Job Title Legislative Analyst

Address

Phone

Street

Orlando

FL

32832

City

State

Zip

Email

Speaking: For Against Information

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

Representing League of Women Voters

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)

4/10/19

Meeting Date

SB 1726

Bill Number (if applicable)

Topic teen access to health care / Parental Rights" Amendment Barcode (if applicable)

Name Amy Weintraub

Job Title Reproductive Rights Prog. Dir.

Address 4545 Dolphin Cay Ln S.

Phone 304-541-9027

Street

St Petersburg FL 33711

Email amy@progressflorida.org

City

State

Zip

Speaking: For Against Information

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

Representing Progress 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)

4-10-19

Meeting Date

1726

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Barbara Alber

Job Title Educator

Address 123 Puffin Court
Street

Phone _____

Royal Palm Beach Florida 33411
City State Zip

Email _____

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)

THE FLORIDA SENATE

APPEARANCE RECORD

4/10/2019

Meeting Date

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

1726

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Vanessa Kewerenge

Job Title

Address 111 Campbell Drive

Phone (813) 221-6100

Street

Winter Haven FL 33884

City

State

Zip

Email vanessakewerenge@gmail.com

Speaking: [] For [] Against [] Information

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

Representing

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [] Yes [] No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

4/10/19

Meeting Date

SB 1726

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name James Sullivan

Job Title Florida. Coordinator, Parental Rights.org

Address 187 Mabry St.

Street

Phone 772-410-6171

Sebastian, FL, 32958

City

State

Zip

Email jsullivan@TerraOptimus.com

Speaking: [X] For [] Against [] Information

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

Representing Parental Rights.org

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

SB 1726
Bill Number (if applicable)

Meeting Date

Topic _____

Amendment Barcode (if applicable)

Name Sophia Glover

Job Title _____

Address 2 E Hammon Dr.

Phone 407 967 9834

Apopka FL 32703
City State Zip

Email Sophieglover54@gmail.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

4/10/19
Meeting Date

1726
Bill Number (if applicable)

Topic PARENTAL Bill of Rights

Amendment Barcode (if applicable)

Name CESAR Hernandez

Job Title Government Relations

Address 400 N TAMPA ST
Street

Phone (813) 277-6540

TAMPA FL 33620
City State Zip

Email _____

Speaking: For Against Information

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

Representing ORGANIZE 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)

4-10-19
Meeting Date

SB 1726
Bill Number (if applicable)

Topic PARENTAL Bill of Rights

Amendment Barcode (if applicable)

Name Jackie L. Bridges

Job Title _____

Address 20 W Celeste St
Street
Apopka FL 32703
City State Zip

Phone _____

Email _____

Speaking: For Against Information

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

Representing Organize 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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/10/19

Meeting Date

SB 1726

Bill Number (if applicable)

Topic Parental Bill of Rights

Amendment Barcode (if applicable)

Name Delores GRAYSON

Job Title Retired

Address 4801 G. Regnas Ave

Phone 8135464262

Street

Tampa

City

FL

State

33617

Zip

Email deloresgraysonlee@yahoo.com

Speaking: For Against Information

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

Representing Self ORGANIC FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4-10-19

Meeting Date

SB 1726

Bill Number (if applicable)

Topic ~~Selection~~ Parental Bill of Rights

Amendment Barcode (if applicable)

Name Rosa Pyles

Job Title Retired

Address 3714 E. Osborne Ave

Street

Phone (813) 503 6144

Tampa

City

FL

State

33610

Zip

Email _____

Speaking: For Against Information

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

Representing ORGANIZE FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

04-10-19
Meeting Date

SR 1726
Bill Number (if applicable)

Topic ~~Education~~ Parental Bill of Rights

Amendment Barcode (if applicable)

Name Shamirra Grier

Job Title _____

Address P.O. Box 292085

Phone 727 336 7418

Street Tampa
City FL State FL Zip _____

Email gshamirra@gmail.com

Speaking: For Against Information

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

Representing ORGANIZE FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

4-10-19

Meeting Date

SB 1726

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Freddie Williams

Job Title _____

Address 20 West Celeste st

Phone 407 884 6152

Street

Apopka FL 32703

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing Organize Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

SB 1726

Bill Number (if applicable)

Meeting Date

Topic ELECTIONS PARENTAL Bill of Rights Amendment Barcode (if applicable)

Name Rodney E. Johnson

Job Title Community Organizer

Address 3307 E. North Bay

Phone 813-431-1858

Street
City Tampa State FL Zip 33610

Email Rodney@organizeflorida.org

Speaking: For Against Information

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

Representing Organize Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

4/10/19
Meeting Date

SB 726
Bill Number (if applicable)

Topic Parental Bill of Right

Amendment Barcode (if applicable)

Name Tim Heberlein

Job Title _____

Address 1224 E. Frierson Ave
Street

Phone 813 532 9846

Tampa FL 33603
City State Zip

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

4/10/19

Meeting Date

SB 1726

Bill Number (if applicable)

Topic ~~Designating~~ "Parental Bill of Rights"

Amendment Barcode (if applicable)

Name Michael Todd

Job Title NFL Lead Organizer

Address 508 Liella St

Phone 904 465 1336

Jacksonville FL 32207

City State Zip

Email michae@newfloridamajority.org

Speaking: For Against Information

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

Representing Floridians

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

4/10/19

Meeting Date

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

1726

Bill Number (if applicable)

Topic parental bill of rights

Amendment Barcode (if applicable)

Name Laura Hernandez

Job Title Legislative Representative

Address 638 E park ave #9

Phone

Tallahassee FL 32301

Email

Speaking: For Against Information

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

Representing Florida Alliance of Planned Parenthood affiliates

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)

4/10/19
Meeting Date

SB1726
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Barbara Berry

Job Title Citizen

Address 2622 Noble Dr

Phone 850.385.5671

Street
Tallahassee

Email hakataga171@outlook.com

City Tallahassee State FL Zip 32308

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
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 1380

INTRODUCER: Senator Perry

SUBJECT: Gardiner Scholarship

DATE: April 1, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1380 modifies student eligibility criteria for participating in the Gardiner Scholarship Program (GSP) and expands authorized use of GSP funds. The bill also revises a responsibility for parents and specifies a requirement for the Department of Education (DOE). Specifically, the bill:

- Modifies the age-related student eligibility criterion that requires a student to be 3 or 4 years old on or before September 1 in the year in which the student applies for GSP participation to instead, specify that a student be 3 or 4 years old when the student applies to participate in the GSP.
- Expands authorized use of GSP funds to include tuition and fees associated with art, music, or theatre programs.
- Revises an existing responsibility of a parent to annually submit a notarized, sworn compliance statement to the scholarship-funding organization to instead, specify that the sworn compliance statement for initial eligibility must be notarized.
- Requires the DOE to implement a system that allows parents to submit all required information to maintain GSP eligibility, including eligibility to receive and spend GSP payments, through a secure Internet website or other secure electronic means.

The bill takes effect July 1, 2019.

II. Present Situation:

The Gardiner Scholarship Program (GSP) is established to provide the option for a parent to better meet the individual educational needs of his or her eligible child.¹ During the 2018-2019

¹ Section 1002.385(1), F.S.

school year, 11, 917 students are participating in the GSP.² The average scholarship amount is \$10,418 per student.³ In 2018, the Legislature appropriated \$128,336,000 for the GSP, including \$124,598,058 for scholarship awards and \$3,737,942 towards administrative expenses for the scholarship-funding organization's management and distribution of scholarships.⁴

Scholarship Eligibility

A parent of a student with a disability may request and receive a Gardiner Scholarship from the state for the purposes specified in law if:⁵

- The student:
 - Is a resident of this state;
 - Is 3 or 4 years of age on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through grade 12 in a public school in this state;
 - Has a disability;⁶ and
 - Is the subject of an individual education plan (IEP)⁷ written in accordance with rules of the State Board of Education or with the applicable rules of another state or has received a diagnosis of a disability from a physician who is licensed under chapter 458 or chapter 459, a psychologist who is licensed under chapter 490, or a physician who holds an active license issued by another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.
- The parent has applied to an eligible nonprofit scholarship-funding organization (SFO) to participate in the program by February 1 before the school year in which the student will participate or an alternative date as set by the SFO for any vacant, funded slots. Florida law specifies the process for parents to apply for the Gardiner Scholarship.

Authorized Use of Scholarship Funds

Gardiner Scholarship Program funds must be used to meet the individual educational needs of an eligible student and may be spent for purposes specified in law such as:⁸

² Florida Department of Education, *Fact Sheet: The Gardiner Scholarship Program*, available at <http://www.fldoe.org/core/fileparse.php/5606/urlt/Gardiner.pdf>, at 1.

³ *Id.*

⁴ Specific Appropriation 109, Ch. 2018-9, L.O.F.

⁵ Section 1002.385(3), F.S.

⁶ "Disability" means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; cerebral palsy, as defined in s.393.063(6); Down syndrome, as defined in s. 393.063(15); an intellectual disability, as defined in s.393.063(24); Phelan-McDermid syndrome, as defined in s. 393.063(28); Prader-Willi syndrome, as defined in s. 393.063(29); spina bifida, as defined in s. 393.063(40); being a high-risk child, as defined in s. 393.063(23)(a); muscular dystrophy; Williams syndrome; rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders; anaphylaxis; deaf; visually impaired; traumatic brain injured; hospital or homebound; or identification as dual sensory impaired, as defined by rules of the State Board of Education (state board) and evidenced by reports from local school districts. The term "hospital or homebound" includes a student who has a medically diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months. *Id.*, at (2)(d).

⁷ "IEP" means individual education plan, regardless of whether the plan has been reviewed or revised within the last 12 months. *Id.*, at (h).

⁸ Section 1002.385(5), F.S.

- Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content and training on the use of and maintenance agreements for these devices.
- Specialized services by approved providers or by a hospital in this state which are selected by the parent. These specialized services may include, but are not limited to, applied behavior analysis services, services provided by speech-language pathologists, occupational therapy services, services provided by physical therapists, services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing and who has received an implant or assistive hearing device.
- Fees for specialized after-school education programs.
- Transition services provided by job coaches.
- Tuition and fees associated with programs offered by approved Voluntary Prekindergarten Education Program providers and approved school readiness providers.
- Fees for services provided at a center that is a member of the Professional Association of Therapeutic Horsemanship International.
- Fees for services provided by a therapist who is certified by the Certification Board for Music Therapists or credentialed by the Art Therapy Credentials Board, Inc.
- Tuition or fees associated with enrollment in a nationally or internationally recognized research-based training program for a child with a neurological disorder or brain damage.

Parent Responsibilities

To satisfy or maintain GSP eligibility, including eligibility to receive and spend GSP payments, a parent must sign an agreement with the SFO and annually submit a notarized, sworn compliance statement to the organization to:⁹

- Affirm that the student is enrolled in a program that meets regular school attendance requirements under Florida law.¹⁰
- Affirm that the program funds are used only for authorized purposes serving the student's educational needs, as described under authorized uses of GSP funds.
- Affirm that the parent is responsible for the education of his or her student by, as applicable:
 - Requiring the student to take an assessment in accordance with the law;¹¹
 - Providing an annual evaluation in accordance with the law;¹² or

⁹ Section 1002.385(11)(a), F.S.

¹⁰ Section 1003.01(13)(b)-(d), F.S.

¹¹ An eligible private school must annually administer or make provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent. An eligible private school must administer the statewide assessments pursuant to s. 1008.22 if a private school chooses to offer the statewide assessments. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10. Section 1002.385(8), F.S. An eligible private school is a school that is located in this state, which offers an education to students in any grade from kindergarten to grade 12, and which meets the requirements specified in law. *Id.*, at (2)(g).

¹² The parent must provide for an annual educational evaluation in which is documented the student's demonstration of educational progress at a level commensurate with her or his ability. The parent must select the method of evaluation and must file a copy of the evaluation annually with the district school superintendent's office in the county in which the student resides. Florida law specifies the information that must be reflected in the annual educational evaluation. Section 1002.41(1)(f), F.S.

- Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible Voluntary Prekindergarten Education Program provider. A student with disabilities for whom a preassessment and postassessment is not appropriate is exempt from this requirement. A participating provider shall report a student's scores to the parent.
- Affirm that the student remains in good standing with the provider or school if those options are selected by the parent.

III. Effect of Proposed Changes:

SB 1380 modifies student eligibility criteria for participating in the Gardiner Scholarship Program (GSP) and expands authorized use of GSP funds. The bill also revises a responsibility for parents and specifies a requirement for the Department of Education (DOE). Specifically, the bill:

- Modifies the age-related student eligibility criterion that requires a student to be 3 or 4 years old on or before September 1 in the year in which the student applies for GSP participation to instead, specify that a student be 3 or 4 years old when the student applies to participate in the GSP.
- Expands authorized use of GSP funds to include tuition and fees associated with art, music, or theatre programs.
- Revises an existing responsibility of a parent to annually submit a notarized, sworn compliance statement to the scholarship-funding organization to instead, specify that the sworn compliance statement for initial eligibility must be notarized.
- Requires the DOE to implement a system that allows parents to submit all required information to maintain GSP eligibility, including eligibility to receive and spend GSP payments, through a secure Internet website or other secure electronic means.

As a result of the modifications to the age criterion, the bill may help more 3-year and 4-year old students qualify for the GSP. Additionally, the bill provides more options regarding the use of GSP funds by permitting the use of funds for art, music, or theatre program-related tuition and fees. The bill also modifies the reporting requirements for parents by eliminating the requirement that the parents submit notarized sworn compliance statement annually, and instead requiring the sworn compliance statement to be notarized only for initial eligibility. The bill maintains current law regarding the annual submission of the sworn compliance statement.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill modifies the student eligibility criteria for participating in the Gardiner Scholarship Program (GSP) to include students who are 3 or 4 years old at the time of application for participating in the GSP. The fiscal impact resulting from additional eligible students is not known.

The bill also requires the Department of Education to implement a system that allows parents to submit all required information under the GSP through a secure Internet website or other electronic means. The costs associated with developing and implementing such system is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.385 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.

By Senator Perry

8-00842C-19

20191380__

A bill to be entitled

An act relating to the Gardiner Scholarship; amending s. 1002.385, F.S., and reenacting subsection (18), relating to the Gardiner Scholarship; revising eligibility requirements for the Gardiner Scholarship Program; providing that scholarship funds may be spent for tuition and fees associated with programs relating to art, music, or theatre; revising requirements relating to compliance statements required for program participation; requiring the Department of Education to implement a certain system; providing an effective date.

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

Section 1. Paragraph (a) of subsection (3) of section 1002.385, Florida Statutes, is amended, paragraph (q) is added to subsection (5) of that section, paragraph (a) of subsection (11) of that section is amended, and subsection (18) of that section is reenacted, to read:

1002.385 The Gardiner Scholarship.—

(3) PROGRAM ELIGIBILITY.—A parent of a student with a disability may request and receive from the state a Gardiner Scholarship for the purposes specified in subsection (5) if:

(a) The student:

1. Is a resident of this state;
2. Is 3 or 4 years of age when ~~on or before September 1 of the year in which~~ the student applies for program participation, or is eligible to enroll in kindergarten through grade 12 in a

Page 1 of 4

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

8-00842C-19

20191380__

public school in this state;

3. Has a disability as defined in paragraph (2) (d); and

4. Is the subject of an IEP written in accordance with rules of the State Board of Education or with the applicable rules of another state or has received a diagnosis of a disability from a physician who is licensed under chapter 458 or chapter 459, a psychologist who is licensed under chapter 490, or a physician who holds an active license issued by another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be used to meet the individual educational needs of an eligible student and may be spent for the following purposes:

(q) Tuition and fees associated with programs relating to art, music, or theatre.

A provider of any services receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Gardiner Scholarship with the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using Gardiner Scholarship funds.

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for program participation under this section is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child. The scholarship award for a student is based on a matrix that assigns the student to support

Page 2 of 4

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59 Level III services. If a parent receives an IEP and a matrix of
 60 services from the school district pursuant to subsection (7),
 61 the amount of the payment shall be adjusted as needed, when the
 62 school district completes the matrix.

63 (a) To satisfy or maintain program eligibility, including
 64 eligibility to receive and spend program payments, the parent
 65 must sign an agreement with the organization and annually submit
 66 a ~~notarized~~, sworn compliance statement, which for initial
 67 eligibility must be notarized, to the organization to:

68 1. Affirm that the student is enrolled in a program that
 69 meets regular school attendance requirements as provided in s.
 70 1003.01(13)(b)-(d).

71 2. Affirm that the program funds are used only for
 72 authorized purposes serving the student's educational needs, as
 73 described in subsection (5).

74 3. Affirm that the parent is responsible for the education
 75 of his or her student by, as applicable:

76 a. Requiring the student to take an assessment in
 77 accordance with paragraph (8)(b);

78 b. Providing an annual evaluation in accordance with s.
 79 1002.41(1)(f); or

80 c. Requiring the child to take any preassessments and
 81 postassessments selected by the provider if the child is 4 years
 82 of age and is enrolled in a program provided by an eligible
 83 Voluntary Prekindergarten Education Program provider. A student
 84 with disabilities for whom a preassessment and postassessment is
 85 not appropriate is exempt from this requirement. A participating
 86 provider shall report a student's scores to the parent.

87 4. Affirm that the student remains in good standing with

Page 3 of 4

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88 the provider or school if those options are selected by the
 89 parent.

90

91 The department shall implement a system that allows parents to
 92 submit all required information to maintain program eligibility
 93 under this paragraph through a secure Internet website or other
 94 secure electronic means.

95

96 A parent who fails to comply with this subsection forfeits the
 97 Gardiner Scholarship.

98 (18) RULES.—The State Board of Education shall adopt rules
 99 pursuant to ss. 120.536(1) and 120.54 to administer this
 100 section.

101 Section 2. This act shall take effect July 1, 2019.

Page 4 of 4

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SPB 7106
INTRODUCER: Education Committee
SUBJECT: Risk Protection Orders
DATE: April 11, 2019 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Olenick	Sikes		ED Submitted as Comm. Bill/Fav

I. Summary:

SPB 7106 expands the definition of a petitioner for purposes of seeking a risk protection order from a court. In addition to law enforcement officers and agencies, the bill specifies that a petitioner may include certain family members of the respondent or a person who is the respondent's legal guardian. The bill provides these persons the ability to file a petition seeking a risk protection order without the assistance of law enforcement.

The bill is effective July 1, 2019.

II. Present Situation:

Background

In 2018, the Florida Legislature passed the Marjory Stoneman Douglas High School Public Safety Act (Act) in response to a tragic school shooting.¹ In addition to other provisions in the Act, the law addresses public safety by restricting firearm and ammunition possession by a person who poses a danger to himself or herself or others.²

Risk Protection Orders in Florida

Section 790.401, F.S., contains a process for a law enforcement officer or a law enforcement agency to petition a circuit court for a temporary ex parte risk protection order and a final risk protection order.³ The intent of the process and court intervention is to temporarily prevent

¹ Chapter 2018-3, s. 16, L.O.F.

² See s. 790.401, F.S. From March 2018 through January 2019, 1,316 petitions for ex parte risk protection orders were granted and 1,176 petitions for risk protection order petitions were granted. Information provided by individual clerks of court to the Office of the State Courts Administrator. (On file with the Florida Senate Committee on Education).

³ The law enforcement officer or law enforcement agency petitioning the court for a risk protection order (petitioner) must make a good faith effort to provide notice to a family or household member of the respondent and to any known third party who may be at risk of violence. The notice must state that the petitioner intends to petition the court for a risk protection order or has already done so and must include referrals to appropriate resources, including mental health, domestic violence,

persons from accessing firearms when there is demonstrated evidence that a person poses a significant danger to himself or herself or others, including significant danger as a result of a mental health crisis or violent behavior. The process strikes a balance between the rights of the person (respondent) including due process of law, and reducing death or injury as a result of his or her use of firearms during a mental health crisis.⁴

To issue a risk protection order the court must find by clear and convincing evidence that the respondent poses a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm.⁵

A court, in determining whether grounds for a risk protection order exist may consider any relevant evidence including, but not limited to:

- A recent act or threat of violence by the respondent against himself or herself or others, whether or not such violence or threat of violence involves a firearm;
- An act or threat of violence by the respondent within the past 12 months, including, but not limited to, acts or threats of violence by the respondent against himself or herself or others;
- Evidence of the respondent being seriously mentally ill or having recurring mental health issues;
- A violation by the respondent of a protection order or a no contact order issued under ss. 741.30, 784.046, or 784.0485, F.S.;
- A previous or existing risk protection order issued against the respondent;
- A violation of a previous or existing risk protection order issued against the respondent;
- Whether the respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime that constitutes domestic violence as defined in s. 741.28, F.S.;
- Whether the respondent has used, or has threatened to use, against himself or herself or others any weapons;
- The unlawful or reckless use, display, or brandishing of a firearm by the respondent;
- The recurring use of, or threat to use, physical force by the respondent against another person, or the respondent stalking another person;
- Whether the respondent, in this state or any other state, has been arrested, convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence;
- Corroborated evidence of the abuse of controlled substances or alcohol by the respondent;
- Evidence of recent acquisition of firearms by the respondent;
- Any relevant information from family and household members concerning the respondent; and
- Witness testimony, taken while the witness is under oath, relating to the matter before the court.⁶

and counseling resources. The petitioner must attest in the petition to having provided such notice or must attest to the steps that will be taken to provide such notice. Section 790.401(2)(f), F.S.

⁴ Chapter 2018, s. 14, L.O.F.

⁵ Section 790.401(3)(b), F.S.

⁶ Section 790.401(3)(c)1.-15., F.S.

If the court issues a risk protection order it may do so for a period that it deems appropriate, up to and including but not exceeding 12 months.⁷

Florida law allows the petitioner to request that a court issue a temporary ex parte risk protection order, without notice to the respondent, before the hearing for a final risk protection order has occurred. To issue the ex parte order, the court must find that the respondent poses a significant danger of causing personal injury to himself or herself or to others in the near future by having in his or her custody or control or by purchasing, possessing, or receiving a firearm or ammunition.⁸ The court must consider all relevant evidence, including the evidence described above, in determining whether to issue an ex parte risk protection order.⁹

Upon issuance of a risk protection order, including a temporary ex parte risk protection order, the court must order the respondent to surrender to the local law enforcement agency all firearms and ammunition in the respondent's custody, control, or possession, and any license to carry a concealed weapon or firearm issued under s. 790.06, F.S.¹⁰

The law enforcement officer serving a risk protection order, including a temporary ex parte risk protection order, must request that the respondent immediately surrender all firearms and ammunition in his or her custody, control, or possession and any license to carry a concealed weapon or firearm issued under s. 790.06, F.S. The law enforcement officer must take possession of all firearms and ammunition belonging to the respondent that are surrendered.¹¹

Alternatively, if personal service by a law enforcement officer is not possible or is not required because the respondent was present at the risk protection order hearing, the respondent must surrender the firearms and ammunition owned by the respondent and any license to carry a concealed weapon or firearm issued under s. 790.06, F.S., in a safe manner to the control of the local law enforcement agency immediately after being served with the order by service or immediately after the hearing at which the respondent was present.¹²

Notwithstanding ss. 933.02 and 933.018, F.S., a law enforcement officer may seek a search warrant from a court to conduct a search for firearms or ammunition if the officer has probable cause to believe that there are firearms or ammunition in the respondent's custody, control, or possession that have not been surrendered.¹³

At the time of surrender, a law enforcement officer taking possession of a firearm, any ammunition, or a license to carry a concealed weapon or firearm issued under s. 790.06, F.S., must issue a receipt identifying all firearms and the quantity and type of ammunition that have been surrendered and must provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the law enforcement officer serving the order shall file the original receipt with the court and ensure that his or her law enforcement agency retains a copy of the receipt.

⁷ Section 790.401(3)(b), F.S.

⁸ Section 790.401(4)(a), F.S.

⁹ Section 790.401(4)(b), F.S.

¹⁰ Sections 790.401(3)(g), (4)(e), and (7)(a), F.S.

¹¹ Section 790.401(7)(b), F.S.

¹² *Id.*

¹³ *Id.*

All law enforcement agencies must develop policies and procedures by January 1, 2019, regarding the acceptance, storage, and return of firearms or ammunition required to be surrendered.¹⁴

Upon the sworn statement or testimony of any person alleging that the respondent has failed to comply with the surrender of firearms or ammunition as required by a risk protection order or temporary ex parte risk protection order, the court must determine whether probable cause exists to believe that the respondent has failed to surrender all firearms or ammunition in his or her custody, control, or possession. If the court finds that probable cause exists, the court must issue a warrant authorizing a search of the locations where the firearms or ammunition are reasonably believed to be found and the seizure of any firearms or ammunition discovered pursuant to such search.¹⁵

A law enforcement agency must provide notice to any family or household members of the respondent before the return of any surrendered firearm and ammunition.¹⁶ A respondent may elect to transfer all firearms and ammunition that have been surrendered to or seized by a local law enforcement agency to another person who is willing to receive the respondent's firearms and ammunition. The law enforcement agency may allow such a transfer only if it is determined that the chosen recipient:

- Currently is eligible to own or possess a firearm and ammunition under federal and state law after confirmation through a background check;
- Attests to storing the firearms and ammunition in a manner such that the respondent does not have access to or control of the firearms and ammunition until the risk protection order against the respondent is vacated or ends without extension; and
- Attests not to transfer the firearms or ammunition back to the respondent until the risk protection order against the respondent is vacated or ends without extension.¹⁷

Within 24 hours after issuance, the clerk of the court shall enter any risk protection order or temporary ex parte risk protection order issued under this section into the uniform case reporting system.¹⁸

Also within 24 hours after issuance, the clerk of the court shall forward a copy of an order issued under this section to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the Florida Crime Information Center and National Instant Criminal Background Check System. The order must remain in each system for the period stated in the order, and the law enforcement agency shall only remove orders from the systems that have ended or been vacated. Entry into the Florida Crime Information Center and National Crime Information Center constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in this state.¹⁹

¹⁴ Section 790.401(7)(c), F.S.

¹⁵ Section 790.401(7)(d), F.S.

¹⁶ Section 790.401(8)(c), F.S.

¹⁷ Sections 790.401(9), F.S.

¹⁸ Section 790.401(10)(a), F.S.

¹⁹ Section 790.401(10)(b), F.S.

The issuing court shall forward, within three business days after issuance of a risk protection order or temporary ex parte risk protection order, all available identifying information concerning the respondent, along with the date of order issuance, to the Department of Agriculture and Consumer Services. Upon receipt of the information, the department shall determine if the respondent has a license to carry a concealed weapon or firearm. If the respondent does have a license to carry a concealed weapon or firearm, the department must immediately suspend the license.²⁰

If a risk protection order is vacated before its end date, the clerk of the court shall, on the day of the order to vacate, forward a copy of the order to the Department of Agriculture and Consumer Services and the appropriate law enforcement agency specified in the order to vacate. Upon receipt of the order, the law enforcement agency shall promptly remove the order from any computer-based system in which it was entered.²¹

A person who makes a false statement, which he or she does not believe to be true, under oath in a hearing under s. 790.401, F.S., in regard to any material matter commits a felony of the third degree.²²

A person who has in his or her custody or control a firearm or any ammunition or who purchases, possesses, or receives a firearm or any ammunition with knowledge that he or she is prohibited from doing so by a risk protection order commits a felony of the third degree.²³

Risk Protective Orders in Other States, Federal Legislation

Risk protection order laws, also known as gun violence restraining orders, red flag orders, and extreme risk protection orders have been and are being enacted in other states. Specifically, these risk protection order laws enable law enforcement, and in some states, family and household members, to petition a court to remove a person's access to guns if he or she poses an imminent danger to self or others.²⁴

In 1999, Connecticut became the first state to pass a law similar to a risk protection order, providing for a state attorney or two law enforcement officers to file a sworn affidavit seeking court authority to temporarily remove a person's firearms to prevent imminent harm.²⁵ Currently,

²⁰ Section 790.401(10)(c), F.S.

²¹ Section 790.401(10)(d), F.S.

²² Section 790.401(11)(a), F.S. A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. Sections 775.082, 775.083, and 775.084, F.S.

²³ Section 790.401(11)(b), F.S.

²⁴ Giffords Law Center to Prevent Gun Violence, *Gun Violence Protective Orders*, available at <http://lawcenter.giffords.org/gun-laws/policy-areas/who-can-have-a-gun/gun-violence-protective-orders/> (last visited April 10, 2019).

²⁵ Section 29-38C, Conn. Gen. Stat.

fourteen states and the District of Columbia have passed risk protection order laws.²⁶ In March of 2019, Colorado passed HB 1177, and the bill is awaiting the Governor’s signature.²⁷

Congress is currently considering several bills related to risk protection orders. On January 3, 2019, Senator Rubio introduced a bill entitled the “Extreme Risk Protection Order and Violence Prevention Act of 2019.”²⁸ The requirements are virtually identical to s. 790.401, F.S., the major difference being that the federal bill includes the ability of family or household members to act as a petitioner, in addition to a law enforcement officer.²⁹ The bill authorizes appropriations in the amount of \$20 million for each fiscal year from 2019 through 2023 to be awarded by the Department of Justice to states and Indian tribes that have enacted qualifying risk protection order laws. The purpose of the grant funds is to provide assistance to law enforcement agencies or the courts in carrying out the provisions of the state or tribal risk protection order law.³⁰

III. Effect of Proposed Changes:

The bill expands the definition of “petitioner” to include the following individuals as a petitioner for the purpose of seeking a risk protection order under s. 790.401, F.S.:

- An individual with a biological or legal parent-child relationship with the respondent;
- An individual with a stepparent-stepchild relationship with the respondent;
- An individual with a grandparent-grandchild relationship with the respondent;
- An individual who is the legal guardian of a respondent; or
- A sibling of a respondent.

²⁶ These states are: California (Cal. Penal Code s. 18125; Cal. Penal Code s. 18150; Cal. Penal Code s. 18175); Connecticut Conn. Gen. Stat. § 29-38c; Delaware (10 Del. C. 7701, et seq.); District of Columbia 17.2017 DC B 1068, Act 629 (effective until April 30, 2019); 2017 DC B22-0588, Act A22-0620 (projected law date June 6, 2019); Florida (Section 790.401, F.S.); Illinois (430 ILCS 67/1, et seq.); Indiana (Section 35-47-14, Ind. Code Ann); Maryland (Md Public Safety Code 5-601, et seq.); Massachusetts (Mass. Gen. Laws ch. 140, s. 121; Mass. Gen. Laws ch. 140, s. 129B(C); Mass. Gen. Laws ch. 140, s. 131(C); Mass. Gen. Laws ch. 140, s. 131R-Z); New Jersey (2018 NJ A 1217); New York (2019 NY SB 2451); Oregon (ORS 166.525, et seq.); Rhode Island (RI Gen Laws 8-8.3-1, et seq.); Vermont (13 VSA 4051, et seq.); Washington (Wash. Rev. Code s. 7.94.030; Wash. Rev. Code s. 7.94.040; Wash. Rev. Code s. 7.94.050; Wash. Rev. Code s. 7.94.080); See Giffords Law Center to Prevent Gun Violence, *Gun Law TrendWatch*, April 2, 2019, available at <https://lawcenter.giffords.org/wp-content/uploads/2019/04/Giffords-Law-Center-Gun-Law-Trendwatch-4.2.19.pdf> (last visited April 10, 2019); Everytown for Gun Safety, *Red Flag Laws, Fact Sheets, Protecting Kids and Communities*, March 25, 2019, available at https://everytownresearch.org/red-flag-laws/#foot_note_2 (last visited April 10, 2019).

²⁷ Colorado (HB 1177, 2019). See Everytown for Gun Safety, *Red Flag Laws, Fact Sheets, Protecting Kids and Communities*, March 25, 2019, available at https://everytownresearch.org/red-flag-laws/#foot_note_2 (last visited April 10, 2019).

²⁸ Congress.gov, *S. 7 – Extreme Risk Protection Order and Violence Prevention Act of 2019*, 116th Congress (2019-2020), available at <https://www.congress.gov/bill/116th-congress/senate-bill/7/text?q=%7B%22search%22%3A%5B%22%5C%22risk+protection+order%5C%22%22%5D%7D> (last visited April 10, 2019).

²⁹ *Id.* The federal bill defines “family or household member” as any: individual related by blood, marriage, or adoption to the respondent; dating partner of the respondent; individual who has a child in common with the respondent, regardless of whether the individual has been married to the respondent; or lived together with the respondent at any time; individual who resides or has resided with the respondent during the past year; spouse or intimate partner of the respondent; individual who has a biological or legal parent-child relationship with the respondent, including a stepparent-stepchild and grandparent-grandchild relationship; and individual who is acting or has acted as the legal guardian of the respondent

³⁰ *Id.*

The bill allows for a petition for a risk protection order to be filed by any of these listed persons, and specifies that the petition must be filed in the petitioner's county of residence or the respondent's county of residence. If the petition is filed by a law enforcement officer or his or her agency, it must be filed in the county where the office is located.

The bill also clarifies that the address of record, if the petitioner is not a law enforcement officer, is the residence of the petitioner.

The bill is effective July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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 790.401 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.

FOR CONSIDERATION By the Committee on Education

581-03941A-19

20197106pb

1 A bill to be entitled
 2 An act relating to risk protection orders; amending s.
 3 790.401, F.S.; redefining the term "petitioner" to
 4 include individuals who have a biological or legal
 5 parent-child relationship with, who are a legal
 6 guardian of, or who are a sibling of a respondent;
 7 conforming provisions to changes made by the act;
 8 providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Paragraph (a) of subsection (1) and paragraphs
 13 (a), (b), (c), and (g) of subsection (2) of section 790.401,
 14 Florida Statutes, are amended to read:

15 790.401 Risk protection orders.—

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

17 (a) "Petitioner" means a law enforcement officer, ~~or~~ a law
 18 enforcement agency, an individual who has a biological or legal
 19 parent-child relationship with the respondent, including a
 20 stepparent-stepchild relationship and a grandparent-grandchild
 21 relationship, an individual who is the legal guardian of a
 22 respondent, or a sibling of a respondent who ~~that~~ petitions a
 23 court for a risk protection order under this section.

24 (2) PETITION FOR A RISK PROTECTION ORDER.—There is created
 25 an action known as a petition for a risk protection order.

26 (a) A petition for a risk protection order may be filed by
 27 a petitioner ~~law enforcement officer or law enforcement agency~~.

28 (b) An action under this section must be filed in the
 29 county where:

Page 1 of 2

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

581-03941A-19

20197106pb

30 1. The petitioner's law enforcement office is located, if
 31 the petitioner is a law enforcement officer or a law enforcement
 32 agency;

33 2. The residence of the petitioner is located, if the
 34 petitioner is not a law enforcement officer or a law enforcement
 35 agency; or

36 3. the county where The respondent resides.

37 (c) Such petition for a risk protection order does not
 38 require the petitioner or the respondent ~~either party~~ to be
 39 represented by an attorney.

40 (g) The ~~petitioner must list the~~ address of record on the
 41 petition must be ~~as being~~ where the appropriate law enforcement
 42 agency is located, if the petitioner is a law enforcement
 43 officer or a law enforcement agency, or the residence of the
 44 petitioner, if the petitioner is not a law enforcement officer
 45 or a law enforcement agency.

46 Section 2. This act shall take effect July 1, 2019.

Page 2 of 2

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

APPEARANCE RECORD

4/10/19

Meeting Date

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

7106

Bill Number (if applicable)

Topic Risk Protection Orders

Amendment Barcode (if applicable)

Name Ellen Baker

Job Title Teacher

Address 5673 Whirlaway Rd.

Phone

Street

Palm Beach Gardens 33418

Email

City

State

Zip

Speaking: [X] 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 [X] No

Lobbyist registered with Legislature: [] Yes [X] No

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

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

APPEARANCE RECORD

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

4-10-19

Meeting Date

7106

Bill Number (if applicable)

Topic Risk Protection Orders

Amendment Barcode (if applicable)

Name Barbara Alber

Job Title Educator

Address 123 Puffin Court

Phone _____

Street

Royal Palm Beach FL 33411

Email _____

City

State

Zip

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

4/10/19
Meeting Date

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

SPB 7106
Bill Number (if applicable)

Topic Risk Protection Orders

Amendment Barcode (if applicable)

Name LeAnn Kilby

Job Title Citizen

Address 227 S. Calloway

Phone _____

Street Tall

City FL State _____ Zip _____

Email _____

Speaking: For Against Information

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

Representing Moms Demand

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

4/10/19

Meeting Date

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

SPB 7106

Bill Number (if applicable)

Topic Risk Protection Orders

Amendment Barcode (if applicable)

Name Molly Wade

Job Title citizen

Address 4115 Deer Lane Dr

Phone (850)408-5250

Street

Tall

FL

State

32312

Zip

Email molly.wade@hotmail

Speaking: For Against Information

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

Representing Moms Demand

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

4/10/19

Meeting Date

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

SPB 7106

Bill Number (if applicable)

Topic Risk Protection Orders

Amendment Barcode (if applicable)

Name Leslie Palmer

Job Title Retired/Man

Address 2023 Duneagle Lane

Phone 850 251 0111

Tall FL 32317

City State Zip

Email lpalmerboxold@gmail.com

Speaking: For Against Information

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

Representing Mans Demand

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

4-10-2019
Meeting Date

SPB 7106
Bill Number (if applicable)

Topic Risk Protection orders

Amendment Barcode (if applicable)

Name Douglas A. Hahn

Job Title Citizen

Address 2070 West Forest Drive

Phone 636-233-1772

Street

Tallahassee Florida 32303-5118

Email doughahn63301@aol.com

City

State

Zip

Speaking: For Against Information

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

Representing myself as Florida Citizen

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)

4/10/19

Meeting Date

SPB 7106

Bill Number (if applicable)

Topic Red Flag law expansion - guns

Amendment Barcode (if applicable)

Name Kenneth Wrede

Job Title

Address 243 Mateo Way NE

Phone 202-386-2516

Street City State Zip St Petersburg FL 33704

Email wrede-kw@yahoo.com

Speaking: [X] 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 [X] No

Lobbyist registered with Legislature: [] Yes [X] 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)

4/10/19

Meeting Date

SPB 7106

Bill Number (if applicable)

Topic Red Flag law expansion - guns

Amendment Barcode (if applicable)

Name Carol Marks

Job Title

Address 243 Mateo Way NE

Street

Phone 202-386-2597

St Petersburg FL 33704

City

State

Zip

Email clmseal@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.

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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)

4/10/19
Meeting Date

7106
Bill Number (if applicable)

Topic Risk Protection Orders

Amendment Barcode (if applicable)

Name Laura L. Novosad

Job Title Resident

Address 3230 Ft. Denaud Rd.

Phone 239-298-1542

Street Ft. Denaud Fla. 33935

Email LRNovosad@smoc

City State Zip

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.

CourtSmart Tag Report

Room: KN 412
Caption: Senate Education Committee

Case No.:
Judge:

Type:

Started: 4/10/2019 1:33:03 PM

Ends: 4/10/2019 3:25:51 PM

Length: 01:52:49

1:33:02 PM Meeting called to order. Roll called
1:33:07 PM Quorum is present
1:33:50 PM Tab 3 with Senator Gibson to present and explain bill SB456
1:35:03 PM Senator Gibson to close on bill
1:35:08 PM Roll call on SB 456
1:35:09 PM By your vote SB456 is found favorable
1:35:24 PM Tab 4 with Senator Gibson to present bill SB458
1:35:40 PM Senator Gibson explains the bill
1:35:57 PM No questions or appearance cards
1:36:01 PM No debate
1:36:03 PM Senator Gibson waives close
1:36:14 PM Roll call on SB 458
1:36:23 PM By your vote SB 458 is found favorably
1:36:42 PM Tab 7 Senator Simmons presents SPB 7106
1:42:08 PM Questions on SPB Bill 7106
1:43:12 PM Senator Stargel recognized to question
1:43:28 PM Senator Simmons with answer
1:44:35 PM Senator Stargel continues with discussion
1:45:51 PM Senator Simmons in response
1:47:55 PM Senator Stargel
1:48:54 PM Continued discussion on SPB 7106
1:48:54 PM Senator Stargel
1:48:56 PM Senator Baxley in question
1:49:37 PM Senator Simmons
1:49:48 PM Senator Baxley in comment
1:51:01 PM Senator Simmons responds
1:54:25 PM Senator Baxley continues discussion
1:54:40 PM Senator Simmons answers
1:56:07 PM Senator Simmons answers
1:56:08 PM Chair Diaz with question
1:56:33 PM Senator Simmons
1:56:54 PM Chair Diaz moves forward with bill
1:57:53 PM Appearance Forms
1:57:59 PM Carol Marks, a citizen St Petersburg for support
1:58:01 PM Leslie Palmer retiree from Tallahassee in support
1:58:54 PM Kenneth Wrede of St Petersburg in support a veteran
1:59:29 PM Molly Wade of Tallahassee for Moms Demand in support
2:00:43 PM LeAnn Kilby Tallahassee for Moms Demand in support
2:01:06 PM Douglas A Hahn of Tallahassee as a citizen in support
2:01:14 PM Barbara Alber an Educator from Royal Palm Beach in support. Ellen Baker, a Teacher from Palm Beach Gardens in support
2:02:05 PM Laura L Novosad a resident of Ft. Denaud in support
2:02:55 PM In debate
2:03:06 PM Senator Berman in support
2:03:24 PM Senator Stargel in support- but concerning problems
2:05:00 PM Senator Baxley in debate
2:07:12 PM Senator Cruz in debate
2:08:42 PM Senator Montford in debate
2:09:38 PM Chair Diaz comments
2:10:14 PM Senator Simmons closes on SPB 7106
2:13:04 PM Senator Simmons moves the SPB 7106 be submitted as a committee bill. Roll Call on SPB 7106
2:14:04 PM SPB 7106 is found favorably and is reported as a committee Bill

2:14:16 PM Tab 2 with Senator Montford to present SB382
2:14:31 PM Senator Montford explains the bill
2:14:56 PM Questions on SB 382
2:15:55 PM No questions on the bill
2:15:57 PM Public appearance
2:16:01 PM Pat Drago Executive Director of Facilities Retired, of Daytona Beach FL in support
2:16:07 PM Janet Nelson of Ormond Beach FL in support
2:16:09 PM the following appearances waive
2:16:10 PM Calleen De Oliviera RV from Daytona Beach FL in support
2:16:15 PM Nicolette Springer Legislative Analyst of Orlando FL for League of Women Voters in support
2:16:20 PM James Mosteller Advocacy Associate of Tallahassee FL for Foundation for Florida's Future
2:16:30 PM Khan-Lien (Con-Lynn) Banko Resolutions Chair of Orlando FL for Florida PTA in support
2:16:35 PM Vern Pickup-Crawford Legislative Liaison of Wellington FL for Collier County School Board in support
2:16:37 PM Ellen Baker Teacher of Palm Beach Gardens, FL in support
2:16:44 PM Brenda Fischer Teacher of HWD FL in support
2:16:52 PM No debate
2:16:58 PM Senator Montford waives close on the bill.
2:17:04 PM Roll Call on SB 382
2:17:10 PM By your vote SB 382 is found favorably
2:17:31 PM Motion is made by Senator Perry to TP (temporarily postpone SB 1380. The motion is adopted.
2:17:43 PM Tab 5 with SB 1726 presented by Senator Gruters
2:18:02 PM Senator Gruters explains the bill
2:18:06 PM No questions on SB 1726
2:18:24 PM Amendment to be taken up A224148 by Senator Gruters
2:18:39 PM Amendment is explained
2:18:45 PM No questions
2:18:50 PM No appearance or debate on the amendment
2:19:00 PM Senator Gruters waives his close on the amendment. Amendment 224148 is adopted
2:19:03 PM Back on the bill SB 1726 as amended
2:19:09 PM Further questions
2:19:13 PM Senator Montford with question
2:20:23 PM Senator Gruters
2:20:27 PM Senator Montford
2:20:34 PM Senator Gruters in response
2:20:44 PM Senator Berman in question
2:20:58 PM Senator Gruters in response
2:21:23 PM Chair Diaz allows discussion
2:21:26 PM Senator Berman
2:21:33 PM Senator Gruters
2:21:46 PM Senator Berman continues
2:22:14 PM Senator Gruters responds
2:22:47 PM Senator Cruz with question to Senator Gruters
2:23:33 PM Senator Gruters
2:23:51 PM Senator Cruz
2:24:03 PM Senator Gruters
2:24:24 PM Senator Cruz
2:24:27 PM Senator Gruters
2:24:36 PM Senator Cruz with further comments
2:25:05 PM Senator Gruters
2:25:39 PM Senator Cruz with questions
2:26:09 PM Senator Gruters
2:26:25 PM Senator Cruz and Senator Gruters discuss
2:27:58 PM Senator Stargel with question to Senator Gruters
2:28:50 PM Public Appearances who waive their time speaking:
2:29:09 PM Barbara Berry a citizen of Tallahassee FL in support
2:29:13 PM Laura Fernandez Legislative Representative of Tallahassee for Florida Alliance of Planned Parenthood
Affiliates is against.
2:29:19 PM Tim Heberlein of Tampa FL in opposition
2:29:22 PM Michael Todd NFL Lead Organizer of Jacksonville FL for Floridians is opposed
2:31:16 PM Rodney E. Johnson Community Organizer of Tampa FL for Organize Florida is against. Freddie Williams
of Apopka FL for Organize Florida is against.
2:32:15 PM Rosa Pyles, retired of Tampa FL for Organize Florida is against. Shumirea G. of Tampa FL for Organize

Florida is against

- 2:32:23 PM** Delores Grayson Retired of Tampa FL for Organize Florida is against
- 2:32:25 PM** Jacki L. Binges of Apopka FL for Organize Florida is against
- 2:32:32 PM** Cesar Hernandez Government Relations of Tampa FL for Organize Florida is against
- 2:32:36 PM** Sophia Glover of Apopka FL is against
- 2:32:43 PM** Amy Weintraub Reproductive Rights Program Director of St. Petersburg for Progress Florida is against
- 2:34:11 PM** James Sullivan Sebastian FL Parents Rights .org in support
- 2:37:32 PM** Vanessa Keverenge of Winter Haven FL is against. Barbara Alber Educator of Royal Palm Beach FL is against R against.
- 2:38:07 PM** Nicolette Springer Legislative Analyst of Orlando FL for League of Women voters is against.
- 2:40:58 PM** Danielle Irwin Volunteer & Mother of Tallahassee FL for League of Women Voters
- 2:42:06 PM** Greg Pound of Sunrise Dr. with information.
- 2:42:54 PM** Shawn Frost Director of Advocacy & Past President of Melbourne FL for Florida Coalition of School Board Members in support
- 2:44:00 PM** Ellen Baker Teacher of Palm Beach Garden FL is against
- 2:44:07 PM** Laura L Novosad of Ft. Denaud FL is against
- 2:44:14 PM** Patti Sullivan Florida Coordinator Parental Rights.org of Sebastian FL in support. James Sullivan Florida Coordinator, Parental Rights.org of Sebastian FL in support
- 2:45:58 PM** In debate
- 2:46:59 PM** Senator Stargel in debate
- 2:48:34 PM** Senator Berman in debate
- 2:50:44 PM** Senator Baxley in debate
- 2:52:40 PM** Senator Perry in debate
- 2:54:23 PM** Senator Simmons in debate
- 2:57:27 PM** Senator Gruters to close on the bill
- 2:57:43 PM** Senator Montford with late question
- 2:58:43 PM** Senator Gruters with close on the bill
- 2:59:02 PM** Roll Call on SB1726
- 2:59:16 PM** By your vote SB 1726 is found favorably
- 2:59:37 PM** Take up Tab 1 SJR 274
- 2:59:58 PM** Motion by Senator Stargel to vote for SJR 274 time certain at 3:25 pm
- 3:00:58 PM** Motions by Senators to vote after in the affirmative on the following bills: Senator Montford votes after on SB456, SB458, SB1726; Senator Perry votes after on SB456, SB458; Senator Baxley vote after on SB456, SB458.
- 3:01:10 PM** Senator Baxley explains SJR 274
- 3:01:24 PM** Kameron Brown of Tallahassee is against. Justin Peacock of Robertsdale AL is against
- 3:02:43 PM** Rick Poulette of WPB FL is against
- 3:02:49 PM** Maureen Gibson of Pensacola is against
- 3:02:54 PM** Janet Nelson of Ormond Beach FL is against
- 3:02:59 PM** Patricia Drago Exec Dir of Facilities Retired of Daytona Beach FL is against
- 3:03:23 PM** Nicolette Springer Legislative Analyst of Orlando FL for League of Women voters is against
- 3:04:33 PM** Question from Senator Simmons to Ms. Springer
- 3:05:15 PM** Ms. Springer responds
- 3:05:36 PM** Brenda Fischer Teacher of HWD FL is against
- 3:05:42 PM** John Hallman Legislative Affairs of Bushnell FL for Liberty First Network in support
- 3:05:47 PM** James Sullivan of Sebastian FL in support
- 3:05:57 PM** Shayna Lopez-Pivas Retail Supervisor in support
- 3:06:45 PM** Pattie Sullivan of Sebastian FL in support
- 3:06:52 PM** Shawn Frost Director of Advocacy of Tallahassee FL for School Choice Movement in support
- 3:07:24 PM** Nick Toboulides Executive Director of U S Term Limits from Melbourne FL in support
- 3:08:24 PM** Matthew Kelly of Ocala FL is against
- 3:08:53 PM** Rick Templin of Tallahassee for Florida AFC- CEO is against
- 3:10:44 PM** Barbara Berry of Tallahassee FL in support
- 3:10:53 PM** Chris Doolan Consultant of Tallahassee FL for Small School District Council Consortium is against
- 3:13:24 PM** Greg Pound Saving Families of Largo FL with information. Linda Lewis of Ft. Lauderdale is against. Noah Hollman of Lauderdale Lake FL is against.
- 3:14:23 PM** Carolyn Tucker of Ft. Laude
- 3:14:27 PM** Amy Datz of Tallahassee FL is against
- 3:14:34 PM** Jeremy Hayden of Silver Springs FL is against.
- 3:14:39 PM** Barbara Alber Educator of Royal Palm Beach FL in support. Dana Shumate of Deerfield FL is against.
- 3:14:49 PM** Calleen De Olivera RV of Daytona Beach FL is against.
- 3:14:59 PM** Laura Novosad is against.
- 3:15:05 PM** Austin Sekel of Boynton Beach FL in support. Robert Doane Retired, of Orlando FL is against

3:15:09 PM In debate
3:15:43 PM Senator Montford in debate
3:18:00 PM Senator Perry in debate
3:18:33 PM Senator Simmons in debate
3:20:13 PM Chair Diaz in debate
3:21:42 PM Senator Baxley closes on SJR 274
3:23:52 PM Roll Call for SJR 274
3:24:53 PM Meeting motion for Time certain at 3:25 p.m.
3:25:03 PM SJR 274 is found favorably
3:25:16 PM No other Senators to vote after
3:25:24 PM Senator Perry moves we adjourn
3:25:38 PM This meeting is adjourned.