

CS/CS/SB 140 by **TR, MS, Bradley**; (Compare to CS/H 7015) Driver Licenses

SB 732 by **Galvano**; Stanley G. Tate Florida Prepaid College Program

SB 790 by **Legg**; Education Technology

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SB 646 by **Montford**; OGSR/Education and Applicant Records/Public Postsecondary Educational Institutions

SB 648 by **Montford**; OGSR/Education Records/Family Educational Rights and Privacy Act

SB 656 by **Montford**; OGSR/Active Investigations of Allegations/Testing Impropriety

SPB 7036 by **ED**; Postsecondary Education

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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Legg, Chair
Senator Montford, Vice Chair

MEETING DATE: Tuesday, February 18, 2014
TIME: 10:00 a.m.—12:00 noon
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Legg, Chair; Senator Montford, Vice Chair; Senators Benacquisto, Brandes, Bullard, Galvano, Sachs, Simmons, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/CS/SB 140 Transportation / Military and Veterans Affairs, Space, and Domestic Security / Bradley (Compare CS/H 7015)	Driver Licenses; Providing that the spouse of a member of the United States Armed Forces is not required to obtain a Florida driver license because he or she enters his or her children in public school in this state under certain circumstances; providing that a dependent of a member of the United States Armed Forces is not required to obtain a Florida driver license under certain circumstances; providing that the spouse of a member of the United States Armed Forces is granted an automatic extension for the expiration of a certain class of driver license under certain circumstances, etc. MS 10/08/2013 Fav/CS TR 11/07/2013 Fav/CS ED 02/18/2014 Favorable AP	Favorable Yeas 9 Nays 0
2	SB 732 Galvano	Stanley G. Tate Florida Prepaid College Program; Redefining the term "tuition differential"; prohibiting the amount of the aggregate sum of registration fees, the tuition differential fee, and local fees paid by the board to a state university on behalf of a qualified beneficiary of an advance payment contract from exceeding a certain percentage of the amount charged by the state university for the aggregate sum of those fees; prohibiting the amount of the dormitory fees paid for by the board to a state university on behalf of a qualified beneficiary of an advance payment contract from exceeding a certain percentage of the amount charged by the state university for those fees, etc. ED 02/18/2014 Favorable AED AP	Favorable Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, February 18, 2014, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 790 Legg	Education Technology; Requiring a school district to adopt a district digital classrooms plan and submit the plan to the Department of Education for approval; requiring the Commissioner of Education to adopt a Florida digital classrooms plan that establishes certain protocols, parameters, requirements, and digital tools; requiring public schools to provide students in grades K-12 opportunities for learning computer coding and programming; requiring elementary schools and middle schools to establish digital classrooms for specified purposes, etc. ED 02/18/2014 Fav/CS AED AP	Fav/CS Yeas 8 Nays 1
4	SB 646 Montford	OGSR/Education and Applicant Records/Public Postsecondary Educational Institutions; Amending provisions which provide an exemption from public records requirements for student education and applicant records of public postsecondary educational institutions; saving the exemption from repeal under the Open Government Sunset Review Act, etc. ED 02/18/2014 Favorable GO RC	Favorable Yeas 8 Nays 0
5	SB 648 Montford	OGSR/Education Records/Family Educational Rights and Privacy Act; Amending provisions which provide an exemption from public records requirements for education records, as defined in the Family Educational Rights and Privacy Act and related federal regulations; saving the exemption from repeal under the Open Government Sunset Review Act, etc. ED 02/18/2014 Favorable GO RC	Favorable Yeas 8 Nays 0
6	SB 656 Montford	OGSR/Active Investigations of Allegations/Testing Impropriety; Amending provisions which provide an exemption from public records requirements for certain information held by the Department of Education during active investigations of allegations of testing impropriety; saving the exemption from repeal under the Open Government Sunset Review Act, etc. ED 02/18/2014 Favorable GO RC	Favorable Yeas 8 Nays 0

Consideration of proposed committee bill:

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, February 18, 2014, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SPB 7036	Postsecondary Education; Deleting a provision related to automatic rate of inflation increase of resident undergraduate tuition per credit hour at state universities; deleting a provision that requires the Office of Economic and Demographic Research to annually report the rate of inflation to the Governor, the Legislature, and the Board of Governors, etc.	Submitted as Committee Bill Yeas 8 Nays 0
Discussion of School Accountability Policy Concepts			Discussed
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/CS/SB 140

INTRODUCER: Transportation Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Bradley

SUBJECT: Driver Licenses

DATE: February 17, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Spaulding</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Everette</u>	<u>Eichin</u>	<u>TR</u>	<u>Fav/CS</u>
3.	<u>McLaughlin</u>	<u>Klebacha</u>	<u>ED</u>	<u>Favorable</u>
4.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 140 revises exemptions for military servicemembers and their families related to driver licensing. Current law exempts nonresident active duty military servicemembers stationed in the state from the requirement to obtain a driver license for the sole purpose of enrolling his or her child in a Florida public school. CS/CS/SB 140 expands this exemption to include the spouse and dependent child of a servicemember. The bill clarifies that the servicemember, spouse or dependent child is not required to obtain or display a Florida driver license because he or she has enrolled his or her child in public school or accepted employment or engaged in any trade, profession, or occupation in this state.

The bill also specifically authorizes the spouse of a resident military servicemember stationed outside of Florida on active duty to be eligible for an automatic extension of a Florida driver license that expires while the spouse resides with the servicemember outside of the state.

II. Present Situation:

Driver License Exemptions for Nonresident Military Servicemembers

Florida law requires all persons driving a motor vehicle on a Florida highway to possess a valid

driver license issued pursuant to ch. 322, F.S.¹ However, a nonresident who is at least 16 years of age and has a valid driver license from another state is exempt from the requirement to obtain a driver license.² Pursuant to this exemption, nonresident servicemembers and their dependents stationed in Florida are not required to obtain a Florida driver license provided they possess a valid driver license issued by another state.³

Current law provides that once a nonresident enrolls his or children in a Florida public school or accepts employment in the state, the nonresident becomes subject to the driver license provisions in ch. 322, F.S., and must obtain a Florida driver license within 30 days after the commencement of such employment or education.⁴ Under such circumstances, the spouse and dependent children of the nonresident must also obtain a Florida driver license within that 30-day period.

Section 322.031(2), F.S., specifically exempts an active duty servicemember stationed in Florida from obtaining a Florida driver license solely because the servicemember enters his or her children in a Florida public school. To be eligible for the exemption, the servicemember must have a valid military driving permit or a valid driver license issued by another state. This exemption currently does not apply to the spouse or dependent children of a servicemember, only to the individual servicemember.

Driver License Extensions for Military Personnel and Dependents

Florida driver license holders are required to periodically renew their driver license⁵ upon payment of the required renewal fees and successful passage of any required examination.⁶ In an effort to process license renewals expeditiously, only examination of the licensee's eyesight and hearing is required.⁷ The renewal fee for a Class E driver license is \$48. Those renewing a Class E driver license within 12 months after the expiration date of the license are subject to a \$15 delinquent fee.⁸

Section 322.121(5), F.S., grants military servicemembers serving on active duty outside this state, and their dependents residing with them, an automatic extension without reexamination for a Class E driver license that expires while performing such service. This extension is valid for 90-days after the servicemember is either discharged or returns to the state of Florida to live.

Upon a servicemember's application to the Department of Highway Safety and Motor Vehicles (DHSMV) certifying active duty status outside of Florida, the DHSMV issues a military extension card extending the servicemember's and his or her dependents' driving privileges.⁹

¹ Section 322.03(1), F.S.

² Section 322.04(1)(c), F.S.

³ Op. Att'y Gen. Fla 78-164 (1978).

⁴ Section 322.031(1), F.S.

⁵ Pursuant to s. 322.18(4)(a), driver licenses are generally valid for 8 years.

⁶ Section 322.18(4)(a), F.S.

⁷ Section 322.121(1), F.S.

⁸ Section 322.21(1)(c), F.S.

⁹ DHSMV, *Military Extension Instructions For Military Personnel, Spouse and Dependents Temporarily Assigned Outside of Florida*, (April 2014), <http://www.flhsmv.gov/MilExtCard.pdf> (last visited 2/10/14).

The DHSMV currently recognizes a “dependent” as a servicemember’s spouse, children and step-children under the age of 21, living in the same household.¹⁰

III. Effect of Proposed Changes:

Section 1 amends s. 322.031, F.S., to expand the exemption from the requirement to obtain a Florida driver license that is currently afforded to nonresident active-duty U.S. Armed Forces servicemembers, to include the servicemember’s, spouse and dependent child, residing with him or her. The bill further clarifies that the spouse, or dependent child of such active duty nonresident servicemember does not have to be in possession of a Florida driver license because he or she enrolled his or her child in public school or has accepted employment or engaged in any trade, profession or occupation in this state.

Section 2 amends s. 322.121, F.S., to clarify that the spouse of a resident military servicemember is eligible for an automatic extension without reexamination for a Florida driver license that expires while the spouse resides with the servicemember who is stationed outside of Florida.

Section 3 provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A spouse of a military servicemember who is a nonresident of Florida will not be required to obtain a Florida driver license for the purpose of enrolling his or her child in a Florida public school. As a result, the spouse will not be subject to the fees associated with obtaining and maintaining a Florida driver license. Additionally, dependent children

¹⁰ DHSMV website, *How do I renew my license or ID card?* Available at: <http://www.flhsmv.gov/ddl/renewing.html> (last visited 2/10/14)

who qualify for the driver license exemption in the bill will also not be subject to driver license fees.

Current law allows an automatic extension on a resident servicemember's driver license expiration date when stationed outside of the state. The bill now includes the same extension to the servicemember's spouse and dependent that reside with him or her. Therefore, these servicemembers and their spouse and dependents will not be subject to driver license renewal fees until they return to reside in the state.

C. Government Sector Impact:

The DHSMV anticipates a minimal reduction in General Revenue as a result of this bill.¹¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.031 and 322.121.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Transportation on November 7, 2013:

The committee substitute provides further clarification that an active servicemember's spouse or dependent residing with such servicemember does not need to obtain or display a Florida driver license because he or she enrolls his or her child in public school or he or she accepts employment or engages in a profession or occupation in the state providing he or she possess a valid military identification card and either a valid driver license or learner's permit issued by another state, or a valid military driving permit.

CS by Military and Veterans Affairs, Space, and Domestic Security on October 8, 2013:

The committee substitute provides that the dependent child of a servicemember is also not required to obtain a Florida driver license if the servicemember or the spouse is not required to obtain a license under s. 322.031(2), F.S., provided that the dependent child has a valid driver license issued by another state and he or she does not accept employment in Florida.

¹¹ DHSMV, SB 140 Legislative Bill Analysis (Feb. 4, 2014) (on file with the Senate Committee on Education).

B. Amendments:

None.

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

By the Committees on Transportation; and Military and Veterans Affairs, Space, and Domestic Security; and Senator Bradley

596-00651A-14

2014140c2

A bill to be entitled

An act relating to driver licenses; amending s. 322.031, F.S.; providing that the spouse of a member of the United States Armed Forces is not required to obtain a Florida driver license because he or she enters his or her children in public school in this state under certain circumstances; providing that a dependent of a member of the United States Armed Forces is not required to obtain a Florida driver license under certain circumstances; updating terminology; amending s. 322.121, F.S.; providing that the spouse of a member of the United States Armed Forces is granted an automatic extension for the expiration of a certain class of driver license under certain circumstances; providing an effective date.

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

Section 1. Section 322.031, Florida Statutes, is amended to read:

322.031 Nonresident; when license required.—

(1) In each every case in which a nonresident, except a nonresident migrant or seasonal farm worker as defined in s. 316.003(61), accepts employment or engages in any trade, profession, or occupation in this state or enters his or her children to be educated in the public schools of this state, such nonresident shall, within 30 days after the commencement of such employment or education, be required to obtain a Florida driver driver's license if such nonresident operates a motor

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vehicle on the highways of this state. The spouse or dependent child of such nonresident shall also be required to obtain a Florida driver driver's license within that 30-day period before ~~prior to~~ operating a motor vehicle on the highways of this state.

(2) A member of the United States Armed Forces on active duty in this state, his or her spouse, or a dependent residing with him or her, is shall not be required to obtain or display a Florida driver driver's license if he or she is in possession of a valid military identification card and either a valid driver license or learner's permit issued by another state, or a valid military driving permit. Such a person is not required to obtain or display a Florida driver license under this section solely because he or she enters his or her children to be educated in the public schools of this state or accepts employment or engages in any trade, profession, or occupation in this state ~~if he or she has a valid military driving permit or a valid driver's license issued by another state.~~

(3) A nonresident who is domiciled in another state and who commutes into this state in order to work is shall not be required to obtain a Florida driver driver's license under this section solely because he or she has accepted employment or engages in any trade, profession, or occupation in this state if he or she has a valid driver driver's license issued by another state. Further, a any person who is enrolled as a student in a college or university and who is a nonresident but is in this state for a period of up to 6 months engaged in a work-study program for which academic credits are earned from a college whose credits or degrees are accepted for credit by at least

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59 three accredited institutions of higher learning, as defined in
60 s. 1005.02, ~~is shall~~ not be required to obtain a Florida driver
61 ~~driver's~~ license for the duration of the work-study program if
62 such person has a valid driver ~~driver's~~ license issued by
63 another state. ~~A~~ ~~any~~ nonresident who is enrolled as a full-time
64 student in any such institution of higher learning is also
65 exempt from the requirement of obtaining a Florida driver
66 ~~driver's~~ license for the duration of such enrollment.

67 (4) A nonresident who is at least 21 years of age and who
68 has in his or her immediate possession a valid commercial driver
69 ~~driver's~~ license issued in substantial compliance with the
70 Commercial Motor Vehicle Safety Act of 1986 may operate a motor
71 vehicle of the type permitted by his or her license to be
72 operated in this state.

73 Section 2. Subsection (5) of section 322.121, Florida
74 Statutes, is amended to read:

75 322.121 Periodic reexamination of all drivers.—

76 (5) A member ~~Members~~ of the United States Armed Forces, his
77 or her spouse, or a dependent ~~their dependents~~ residing with him
78 or her ~~them~~, shall be granted an automatic extension for the
79 expiration of his or her ~~their~~ Class E license ~~licenses~~ without
80 reexamination while the member of the United States Armed Forces
81 is serving on active duty outside this state. This extension is
82 valid for 90 days after the member of the United States Armed
83 Forces is either discharged or returns to this state to live.

84 Section 3. This act shall take effect July 1, 2014.

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 732

INTRODUCER: Senator Galvano

SUBJECT: Stanley G. Tate Florida Prepaid College Program

DATE: February 17, 2014

REVISED: _____

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

I. Summary:

SB 732 specifies that for an advanced payment contract purchased before July 1, 2024, the amount assessed and paid by the Florida Prepaid College Board (Prepaid Board) will follow the methodology previously utilized by the Prepaid Board for contracts purchased prior to July 1, 2009, rather than the actual cost assessment and payment presently authorized. This methodology requires the Prepaid Board to increase payments to the state universities between 5% and 7% annually, depending on the type of fee and the Prepaid Board's actuarial reserve level. The goal of this change is to provide the Prepaid Board better predictability of future tuition and fees. The maximum assessment and payment for state university registration fees, tuition differential fees, local fees, and dormitory fees is capped at no more than the actual cost charged by the state universities for such fees.

The Prepaid Board estimates the change in payment methodology will reduce the cost of a new 4-Year Florida University Plan by \$10,000 and result in \$50 million in refunds to families with an existing 4-Year Florida University Plan.¹

The bill takes effect on July 1, 2014.

II. Present Situation:

The Legislature created the Stanley G. Tate Florida Prepaid College Program (Prepaid Program) in 1987² to provide Florida's families, affordable means to plan and save for their children's college education.³ The Prepaid Program is administered by the Florida Prepaid College Board

¹ State Board of Administration, *2014 Agency Legislative Bill Analysis for SB 732* (Feb. 5, 2013), at 3, on file with the Committee on Education staff.

² Section 1, ch. 1987-132, L.O.F.; see also Florida Prepaid College Board, *Our History*, <http://www.myfloridaprepaid.com/who-we-are/> (last visited Feb. 15, 2014).

³ Section 1009.98(1), F.S.

(Prepaid Board).⁴ Florida's families have purchased more than 1.5 million Prepaid Program contracts.⁵

The Prepaid Program provides for the purchase of advanced payment contracts for postsecondary education. The contracts, which are financially guaranteed by the State of Florida,⁶ lock-in many of the costs associated with enrollment in state universities and Florida College System (FCS) institutions (e.g., registration fees, tuition differential fees, local fees, and dormitory fees) at the time such contracts are purchased.⁷ Families may choose from the following Prepaid Program options:⁸

- 2-Year Florida College Plan
- 4-Year Florida College Plan
- 2+2 Florida Plan
- 4-Year Florida University Plan

A qualified beneficiary⁹ with a Prepaid Plan choosing to attend an out-of-state or private institution may have the full value of the Plan, which would have been paid to a Florida state university or a Florida college for that beneficiary, transferred semester by semester to the private or out-of-state institution.¹⁰

Each year, the Prepaid Board conducts an analysis of the actuarial adequacy of the Prepaid Trust Fund. In order to conduct this analysis, a series of assumptions are made regarding investment yield, tuition increases, tuition differential fee increases, local fee increases, and dormitory fee increases. The result of the analysis is a determination of the actuarial reserve, which means the amount by which the expected value of the assets in the Prepaid Trust Fund exceeds the value of the expected liabilities. The table below shows showing a recent history of the actuarial reserve.¹¹

⁴ Section 1009.971(1), F.S.

⁵ Florida Prepaid College Board, *Annual Report* (2012), available at <http://www.myfloridaprepaid.com/wp-content/uploads/2012-annual-report.pdf>, at 1.

⁶ Section 1009.98(7), F.S.

⁷ Section 1009.98(2), F.S.

⁸ Florida Prepaid College Board, *Explore Your Options*, <http://www.myfloridaprepaid.com/what-we-offer/> (last visited Feb. 15, 2014).

⁹ A qualified beneficiary is “a resident of [Florida] at the time a purchaser enters into an advance payment contract on behalf of the resident; a nonresident who is the child of a noncustodial parent who is a resident of [Florida] at the time that such parent enters into an advance payment contract on behalf of the child;” or “a graduate of an accredited high school in [Florida] who is a resident of [Florida] at the time he or she is designated to receive benefits of the advance payment contract.” Section 1009.97(3)(f), F.S.

¹⁰ Florida Prepaid College Board, *Annual Report* (2012), available at <http://www.myfloridaprepaid.com/wp-content/uploads/2012-annual-report.pdf>, at 10.

¹¹ State Board of Administration, *2014 Agency Legislative Bill Analysis for SB 732* (Feb. 5, 2013), at 1-2, on file with the Committee on Education staff.

Actuarial Information

	2010	2011	2012	2013
Actuarial Reserve	\$482,626,581	\$589,408,656	\$569,458,560	\$834,449,416
As % of Expected Liabilities	5.1%	6.0%	4.9%	7.6%

The Prepaid Plan payment methodology (tuition and fee caps) established for advanced payment contracts purchased before July 1, 2009, specifies the level the Prepaid Board will pay universities for registration and tuition differential increases within a reasonable range based on fund reserve. The table below shows the methodology.¹²

Registration & Tuition Differential Fee Payment Scenarios

Actuarial Reserve, % of Expected Liabilities	<5%	5% - 6%	6% - 7%	≥7.5%
Prepaid Board Payment to Universities Above Fee Assessed Previous Year	5.5%	6.0%	6.5%	7.0%

The Prepaid Board pays state universities five percent above the amount assessed in the previous fiscal year for local fees and six percent above the amount assessed in the previous fiscal year for dormitory fees.¹³

For advanced payment contracts purchased on or after July 1, 2009, with regards to registration, tuition differential, local, and dormitory fees, the Prepaid Board must pay the university the actual amount charged for these fees.¹⁴ For actuarial planning purposes, the Prepaid Board must price the Prepaid Plan with the assumption that universities will assess the maximum allowable fees each year.

III. Effect of Proposed Changes:

SB 732 specifies that for an advanced payment contract purchased before July 1, 2024, the amount assessed and paid by the Prepaid Board will follow the methodology previously utilized by the Prepaid Board for contracts purchased prior to July 1, 2009, rather than the actual cost assessment and payment presently authorized.

Registration & Tuition Differential Fee Payment Scenarios

Actuarial Reserve, % of Expected Liabilities	<5%	5% - 6%	6% - 7%	≥7.5%
Prepaid Board Payment to Universities Above Fee Assessed Previous Year	5.5%	6.0%	6.5%	7.0%

¹² State Board of Administration, *2014 Agency Legislative Bill Analysis for SB 732* (Feb. 5, 2013), at 2, on file with the Committee on Education staff.

¹³ State Board of Administration, *2014 Agency Legislative Bill Analysis for SB 732* (Feb. 5, 2013), at 2, on file with the Committee on Education staff.

¹⁴ State Board of Administration, *2014 Agency Legislative Bill Analysis for SB 732* (Feb. 5, 2013), at 2, on file with the Committee on Education staff.

The bill also creates a cap on the aggregate sum the Prepaid Program pays state universities for registration, tuition differential, and local fees, equal to the actual amounts charged for those fees as well as a cap on dormitory fees equal to the actual amount charged for that fee.

The bill takes effect on July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The Florida Prepaid College Board (Prepaid Board) estimates that the bill will reduce the cost for individuals to purchase Prepaid Program contracts. The new lump-sum price for the 4-Year Florida University Plan would be reduced by approximately \$10,000,¹⁵ from \$53,729 to less than \$43,000¹⁶. Over 26,000 Florida families who purchased plans at higher prices in recent years would be entitled to refunds of approximately \$50 million. In addition, future monthly payments would be reduced for those purchasing a Prepaid contract and paying on a monthly basis. A Florida family enrolling a newborn during 2012-13 in a 4-Year Florida University Plan is currently paying \$332 per month under the monthly payment option.¹⁷ These monthly payments are estimated to drop to \$255 per payment - a savings of over \$75 per month for 223 months¹⁸ totaling approximately \$17,000 over the life of the contract.

¹⁵ State Board of Administration, *2014 Agency Legislative Bill Analysis for SB 732* (Feb. 5, 2013), at 3, on file with the Committee on Education staff.

¹⁶ Email, Florida Prepaid College Board (Jan. 15, 2014), on file with Committee on Education staff.

¹⁷ Email, Florida Prepaid College Board (Jan. 15, 2014), on file with Committee on Education staff.

¹⁸ Email, Florida Prepaid College Board (Jan. 15, 2014), on file with Committee on Education staff.

C. Government Sector Impact:

According to the Prepaid Board, the state universities may experience a dip in revenues if the actual cost for the registration fees, tuition differential fees, local fees, and dormitory fees exceed the amount assessed and paid by the Prepaid Board to the state universities for such fees.¹⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1009.98 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.

¹⁹ State Board of Administration, *2014 Agency Legislative Bill Analysis for SB 732* (Feb. 5, 2013), at 3, on file with the Committee on Education staff.

By Senator Galvano

26-00823-14

2014732__

A bill to be entitled

An act relating to the Stanley G. Tate Florida Prepaid College Program; amending s. 1009.98, F.S.; redefining the term "tuition differential"; revising the purchase date of an advance payment contract as it relates to the amount paid by the Florida Prepaid College Board to a state university on behalf of a qualified beneficiary; prohibiting the amount of the aggregate sum of registration fees, the tuition differential fee, and local fees paid by the board to a state university on behalf of a qualified beneficiary of an advance payment contract from exceeding a certain percentage of the amount charged by the state university for the aggregate sum of those fees; prohibiting the amount of the dormitory fees paid for by the board to a state university on behalf of a qualified beneficiary of an advance payment contract from exceeding a certain percentage of the amount charged by the state university for those fees; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsection (10) of section 1009.98, Florida Statutes, is amended to read:

1009.98 Stanley G. Tate Florida Prepaid College Program.—

(10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

(a) As used in this subsection, the term:

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26-00823-14

2014732__

1. "Actuarial reserve" means the amount by which the expected value of the assets exceeds ~~exceed~~ the expected value of the liabilities of the trust fund.

2. "Dormitory fees" means the fees included under advance payment contracts pursuant to paragraph (2) (d).

3. "Fiscal year" means the fiscal year of the state pursuant to s. 215.01.

4. "Local fees" means the fees covered by an advance payment contract provided pursuant to subparagraph (2) (b)2.

5. "Tuition differential" means the fee covered by advance payment contracts sold pursuant to subparagraph (2) (b)3. The base rate for the tuition differential fee for the 2012-2013 fiscal year is established at \$37.03 per credit hour. The base rate for the tuition differential in subsequent years is the amount assessed ~~paid by the board~~ for the tuition differential for the preceding year adjusted pursuant to subparagraph (b)2.

(b) Effective with the 2009-2010 academic year and thereafter, and notwithstanding the provisions of s. 1009.24, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract whose contract was purchased before July 1, 2024 ~~2009~~, shall be:

1. As to registration fees, if the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 5.5 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the amount assessed for registration fees in the preceding fiscal year. If

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

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59 the actuarial reserve is between 6 percent and 7.5 percent of
 60 the expected liabilities of the trust fund, the board shall pay
 61 the state universities 6.5 percent above the amount assessed for
 62 registration fees in the preceding fiscal year. If the actuarial
 63 reserve is equal to or greater than 7.5 percent of the expected
 64 liabilities of the trust fund, the board shall pay the state
 65 universities 7 percent above the amount assessed for
 66 registration fees in the preceding fiscal year, whichever is
 67 greater.

68 2. As to the tuition differential, if the actuarial reserve
 69 is less than 5 percent of the expected liabilities of the trust
 70 fund, the board shall pay the state universities 5.5 percent
 71 above the base rate for the tuition differential fee in the
 72 preceding fiscal year. If the actuarial reserve is between 5
 73 percent and 6 percent of the expected liabilities of the trust
 74 fund, the board shall pay the state universities 6 percent above
 75 the base rate for the tuition differential fee in the preceding
 76 fiscal year. If the actuarial reserve is between 6 percent and
 77 7.5 percent of the expected liabilities of the trust fund, the
 78 board shall pay the state universities 6.5 percent above the
 79 base rate for the tuition differential fee in the preceding
 80 fiscal year. If the actuarial reserve is equal to or greater
 81 than 7.5 percent of the expected liabilities of the trust fund,
 82 the board shall pay the state universities 7 percent above the
 83 base rate for the tuition differential fee in the preceding
 84 fiscal year.

85 3. As to local fees, the board shall pay the state
 86 universities 5 percent above the amount assessed for local fees
 87 in the preceding fiscal year.

Page 3 of 4

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88 4. As to dormitory fees, the board shall pay the state
 89 universities 6 percent above the amount assessed for dormitory
 90 fees in the preceding fiscal year.

91 5. Qualified beneficiaries of advance payment contracts
 92 purchased before July 1, 2007, are exempt from paying any
 93 tuition differential fee.

94 (c) Notwithstanding the amount assessed for registration
 95 fees, the tuition differential fee, or local fees, the amount
 96 paid by the board to any state university on behalf of a
 97 qualified beneficiary of an advance payment contract purchased
 98 before July 1, 2024, may not exceed 100 percent of the amount
 99 charged by the state university for the aggregate sum of those
 100 fees.

101 (d) Notwithstanding the amount assessed for dormitory fees,
 102 the amount paid by the board to any state university on behalf
 103 of a qualified beneficiary of an advance payment contract
 104 purchased before July 1, 2024, may not exceed 100 percent of the
 105 amount charged by the state university for dormitory fees.

106 (e)-(e) The board shall pay state universities the actual
 107 amount assessed in accordance with law for registration fees,
 108 the tuition differential, local fees, and dormitory fees for
 109 advance payment contracts purchased on or after July 1, 2024
 110 2009.

111 (f)-(d) The board shall annually evaluate or cause to be
 112 evaluated the actuarial soundness of the trust fund.

113 Section 2. This act shall take effect July 1, 2014.

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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)

Meeting Date _____

Topic Stanley G Tate Florida Prepaid College Program

Bill Number SB 732
(if applicable)

Name Sherri Croom

Amendment Barcode _____
(if applicable)

Job Title Budget Chief

Address Capitol
Street

Phone 850-717-9363

City _____ *State* _____ *Zip* _____

E-mail _____

Speaking: For Against Information

Representing The Governor's Office

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-18-14

Meeting Date

Topic Stanley G. Tate Florida Popard College Board

Bill Number 732
(if applicable)

Name Kevin Thompson

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 1800 Hermitage Blvd
Street

Phone 850.488.8514

Tallahassee FL 32388
City State Zip

E-mail Kevin.Thompson@myFlorida
popard.com

Speaking: For Against Information

Representing Fl. Popard

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: CS/SB 790

INTRODUCER: Education Committee and Senator Legg

SUBJECT: Education Technology

DATE: February 20, 2014

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 790 elevates funding and policy aspects of technology-enhanced classroom teaching and learning by creating a dedicated source of funding for school districts' technology purchases and activities, and authorizes course substitution options for students to help equip Florida's students with skills to succeed in a competitive economy.

Specifically, the bill creates the Florida digital classrooms allocation within the Florida Education Finance Program to fund and support the use of technology enhancements in Florida's classrooms. The bill requires the State Board of Education to develop a Florida digital classrooms plan that establishes minimum protocols, parameters, and requirements for the state and districts to meet statutory requirements and timelines for instruction, learning, assessments, and accountability. Florida Department of Education (DOE) may consult with qualified experts to develop the Florida digital classrooms plan. The bill also requires school districts to develop district digital classroom plans that tie purchases and activities related to digital learning and technology infrastructure, professional development, digital tools, and online assessments to measurable student performance outcomes. Each district school board must seek input from district staff to develop the district digital classrooms plan and include in that plan, the plan for meeting requirements of federal technology initiatives and grant programs if the district participates in such initiatives and grant programs.

An independent evaluation and validation of the reported outcomes and the districts' technology inventory and infrastructure needs must accompany the school districts' digital classrooms plan.

The bill requires the Auditor General to verify compliance of the use of Florida digital classrooms allocation funds by the school districts in accordance with the DOE-approved district digital classrooms plan. The Commissioner of Education must work with education practitioners of this state to support implementation of district digital classrooms plans and annually report to the Legislature and the Governor a summary of each school district's use of funds, student performance outcomes, and progress toward meeting statutory requirements and timelines.

Additionally, the bill authorizes public schools to establish digital classrooms to provide students opportunities to improve digital literacy and competency, and creates pathways for high school students to substitute computer programming language courses of sufficient rigor, as approved by the commissioner, for some courses, to meet high school graduation requirements.

The bill takes effect on July 1, 2014.

II. Present Situation:

Technology Plan

The Bureau of Educational Technology within the Florida Department of Education (DOE or department) provides “leadership, coordination, and guidance concerning the submission, technical review, and approval of local educational technology plans as a service to school districts.”¹ *The Essential District Technology Plan Components*, developed by the department, is intended to provide a general framework for the technology plan content.² The components include the following:³

- Mission and vision.
- General introduction/background.
- Needs assessment/goals.
- Funding plan.
- Technology acquisition plan.
- Access.
- User support plan.
- Staff training plan.
- Program evaluation.
- E-Rate Program Planning Criteria (E-Rate Plan Addendum).

Eligibility to participate in certain federal technology initiatives and grant programs (e.g., Enhancing Education Through Technology⁴ and E-Rate⁵ programs) requires that a local school

¹ Florida Department of Education, *Local School District Educational Technology Planning*, http://www.fldoe.org/BII/Instruct_Tech/Planning/local.asp (last visited Feb. 16, 2014).

² Florida Department of Education, *Local School District Educational Technology Planning*, http://www.fldoe.org/BII/Instruct_Tech/Planning/local.asp (last visited Feb. 16, 2014).

³ Florida Department of Education, *The Essential District Technology Plan Components*, available at http://www.fldoe.org/BII/Instruct_Tech/downloads/EssentialDistrictTechnologyPlanComponents.doc.

⁴ U.S. Department of Education, *Enhancing Education Through Technology (Ed-Tech) State Program*, <http://www2.ed.gov/programs/edtech/index.html> (last visited Feb. 15, 2014).

⁵ U.S. Department of Education, *E-Rate Program – Discounted Telecommunications Services*, <http://www2.ed.gov/about/offices/list/oii/nonpublic/erate.html> (last visited Feb. 15, 2014). “The E-Rate technology plan

district develop and maintain a long-range strategic district technology plan that adequately addresses prescribed planning criteria. Planning requirements and expectations vary from program to program, but many of the essential components of an effective technology planning process are consistent across programs.⁶ For the E-Rate program, the school districts submit a technology plan, which is required for the federal E-Rate application, to DOE for approval.⁷

While participation in federal programs is optional, a majority of school districts participate to improve learning opportunities for all students, enhance technology resources needed in conjunction with existing initiatives (e.g., reading improvement), and address, in a targeted and focused way, significant challenges associated with impoverished and disadvantaged student populations.⁸

In addition to addressing federal program participation requirements, developing a strong technology planning process can assist a district with:⁹

- Establishing appropriate guidelines, standards, and policies regarding acquisition and infusion of new and emerging technologies.
- Managing complex technology infrastructure and telecommunications upgrades at schools.
- Addressing major transformations (e.g., one-to-one computing, wireless access, intensive laptop use, Internet-based instructional content delivery, and distance learning).

DOE requests district school superintendents to encourage school principals and school district personnel to participate in the Florida Innovates Technology Resources Inventory which is used to gather school-level and school district-level data annually regarding technology resources inventory.¹⁰ Schools and school districts report to DOE, technology data regarding devices, bandwidth, wireless infrastructure, professional development, and computer-based assessment readiness.¹¹ DOE uses the technology resources inventory data to prepare annual legislative budget requests.¹² In 2013, the Legislature appropriated \$11.3 million for district bandwidth support and \$6 million for Technology transformation grants for rural districts.¹³

describes the technologies and associated resources, both existing and planned, that will assist a school to provide educational services.” Email, Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 790* (Feb. 14, 2013), at 3, on file with the Committee on Education staff.

⁶ Florida Department of Education, *Local School District Educational Technology Planning*, http://www.fldoe.org/BII/Instruct_Tech/Planning/local.asp (last visited Feb. 16, 2014).

⁷ Email, Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 790* (Feb. 14, 2013), at 3, on file with the Committee on Education staff.

⁸ Florida Department of Education, *Local School District Educational Technology Planning*, http://www.fldoe.org/BII/Instruct_Tech/Planning/local.asp (last visited Feb. 16, 2014).

⁹ Florida Department of Education, *Local School District Educational Technology Planning*, http://www.fldoe.org/BII/Instruct_Tech/Planning/local.asp (last visited Feb. 16, 2014).

¹⁰ Florida Department of Education, *Memorandum: School Technology Resources Inventory* (Oct. 11, 2013), on file with the Committee on Education staff.

¹¹ Email, Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 790* (Feb. 14, 2013), at 3, on file with the Committee on Education staff.

¹² Florida Department of Education, *Memorandum: School Technology Resources Inventory* (Oct. 11, 2013), on file with the Committee on Education staff.

¹³ Specific Appropriation 102A, ch. 2013-40, L.O.F.

Requirements for Standard High School Diploma

Beginning with students entering grade 9 in the 2013-2014 school year, receipt of standard high school diploma requires successful completion of 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.¹⁴ Credit requirements for standard high school diploma are as follows:¹⁵

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics, which must include Algebra I and geometry.
- Three credits in science including Biology I.
- Three credits in social studies, which must include one credit each in United States History and World History; and 0.5 credit each in Economics, which must include financial literacy, and United States Government.
- One credit in fine or performing arts, speech and debate, or practical arts.
- One credit in physical education.
- Eight credits in electives¹⁶.

Requirements regarding Foreign Language

In addition to the general requirements for high school graduation¹⁷ and standard high school diploma¹⁸, current law provides criteria for students to earn either a Scholar designation or a Merit designation on the standard high school diploma.¹⁹ The criteria for earning the Scholar designation includes, but is not limited to, earning two credits in the same foreign language.²⁰

Additionally, beginning with students initially entering a Florida College System institution or a state university in 2014-2015, coursework for an associate in arts degree must include demonstration of competency in foreign language pursuant to Florida law^{21, 22}.

III. Effect of Proposed Changes:

CS/SB 790 creates the Florida digital classrooms allocation to establish a targeted and purposeful approach to technology enhancements in Florida's classrooms to improve student performance outcomes. The bill ties technology-enhanced classroom teaching and learning to measurable student performance outcomes and requires an independent evaluation of the school districts' outcomes and technology inventory and infrastructure needs, which the districts must report to the Florida Department of Education (DOE or department). Consequently, the school districts must document how technology enhancements effect performance of students. In addition, the

¹⁴ Section 1003.4282(1)(a), F.S.

¹⁵ Section 1003.4282(3), F.S.

¹⁶ "School districts must develop and offer coordinated electives so that a student may develop knowledge and skills in his or her area of interest, such as electives with a STEM or liberal arts focus. Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement which lead to college credit." Section 1003.4282(3)(g), F.S.

¹⁷ Section 1003.428

¹⁸ Section 1003.4282, F.S.

¹⁹ Section 1003.4285(1), F.S.

²⁰ Section 1003.4285(1)(a)5., F.S.

²¹ Section 1007.262, F.S.

²² Section 1007.25(7), F.S.

bill authorizes public schools to promote digital literacy and competency in Florida's schools, which will help equip Florida's students with skills to succeed in a competitive economy.

Florida Digital Classrooms Plan

The bill requires the State Board of Education (SBE) to adopt a targeted and purposeful Florida digital classrooms plan, which must establish the minimum protocols, parameters, and requirements, pursuant to Florida law, for district-level infrastructure, school-level infrastructure, and digital tools that accommodates statutory requirements and timelines for instruction, learning, assessments, and accountability. DOE may consult with qualified experts to develop the Florida digital classrooms plan. The Florida digital classrooms plan, which must be updated annually, must include the plan for current school year and the subsequent five school years. The Florida digital classrooms plan must also specify the criteria for annual approval of the districts' digital classrooms plan, thus providing the school districts long-term goals and expectations within statewide technology and accountability frameworks and timelines.

District Digital Classrooms Plan

The bill requires each district school board to use the general parameters established in the Florida digital classrooms plan to adopt a district digital classrooms plan that may include unique components specific to the needs of individual schools and school districts. By permitting the customization of district digital classrooms plan to local needs, the bill promotes local control of targeted and purposeful technology enhancements in Florida's classrooms. However, to receive the Florida digital classrooms allocation funds, each school district must fulfill certain requirements. Each school district must:

- Attach to the district's digital classrooms plan, an independent evaluation of the district's student performance outcomes and technology inventory and infrastructure needs.
- Submit to DOE, the district digital classrooms plan in a format prescribed by the department, by October 1, 2014 (for implementation of the 2014-2015 fiscal year budget) and by March 1 (prior to legislative session) of each year thereafter, for approval. At a minimum, the district digital classrooms plan must be updated annually to include the following:
 - Measurable student performance outcomes which must be tied to improving student performance outcomes, including outcomes for students with disabilities, through the implementation of the district's digital classrooms plan for the current school year and subsequent three years. Results of the outcomes must be verified by an independent evaluation and reported at least annually.
 - Digital learning and technology infrastructure purchases and operational activities which must be tied to the measurable student performance outcomes. The purchases and activities, which must include, but not be limited to, connectivity, broadband access, wireless capacity, Internet speed, and data security, must meet the minimum requirements and protocols established by DOE. If a school district uses Florida digital classrooms allocation funds for infrastructure, the district's technology inventory and infrastructure must be verified by an independent evaluation annually and submitted to the department along with the district's digital classrooms plan.
 - Professional development purchases and operational activities which must be tied to the measurable student performance outcomes. The purchases and activities

- must include, but not be limited to, using technology in the classroom and improving digital literacy and competency.
- Digital tool purchases and operational activities which must be tied to the measurable student performance outcomes. The purchases and activities, which must include, but not be limited to:
 - Competency-based credentials, which must measure and demonstrate digital competency and certifications;
 - Third-party assessments, which demonstrate acquired knowledge and use of digital applications; and
 - Devices that meet or exceed the minimum requirements and protocols established by DOE.
- Online assessment-related purchases and operational activities which must be tied to measurable student performance outcomes. The purchases and activities, which must include, but not be limited to, expanding capacity to administer assessments and compatibility with the minimum requirements and protocols established by DOE.

Each district school board must seek input from, at a minimum, the district's instructional, curriculum, and information technology staff to develop the district digital classrooms plan. If a school district participates in federal technology initiatives and grant programs, the district digital classrooms plan must include the plan for meeting requirements of such initiatives and grant programs.

Florida Digital Classrooms Allocation Funding

The bill creates a new categorical funding allocation in the Florida Education Finance program as a dedicated source of funding for the implementation of digital classrooms plans. The new Florida digital classrooms allocation must be annually provided in the General Appropriations Act (GAA) in an amount up to 1 percent of the base student allocation multiplied by the total K-12 full-time equivalent student enrollment or as provided in the GAA. From the Florida digital classrooms allocation, a minimum of \$100,000 must be provided to each school district and the remaining balance must be distributed based on each school district's proportion of the total K-12 full-time equivalent student enrollment. This dedicated allocation, including minimum appropriation, intends to provide state and district planners, some level of predictable funding and support for technology.

Distribution of Florida digital classrooms allocation funds to a school district is contingent upon approval of the district's digital classrooms plan by DOE. The district digital classrooms plan must include a formal verification of the district superintendent's approval of the digital classrooms plan of each charter school within the district. Prior to the distribution of the Florida digital classrooms allocation funds, each district school superintendent must certify to the Commissioner of Education (commissioner) that the district digital classrooms plan supports the fidelity of implementation of the Florida digital classrooms allocation. District allocations must be recalculated during the fiscal year consistent with the periodic recalculation of the Florida Education Finance Program. School districts must provide a proportionate share of the Florida digital classrooms allocation to each charter school in the district as required for categorical

programs under Florida law²³. While district digital classrooms plan will vary across districts based on each district's unique needs, the bill further promotes local control by authorizing each school district to use a competitive process to distribute the Florida digital classrooms allocation funds to the schools within the district.

The bill also requires each school district to report to DOE, beginning with the 2015-2016 fiscal year, student performance outcomes and the district's use of the Florida digital classrooms allocation funds in accordance with the DOE-approved district digital classrooms plan. Additionally, the bill requires that the Auditor General to verify compliance of the use of Florida digital classrooms allocation funds by the school districts in accordance with the DOE-approved district digital classrooms plan. By October 1, beginning with the 2015-2016 fiscal year (to capture outcomes of 2014-2015 implementation activities), the commissioner must provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives, a summary of each district's use of the Florida digital classrooms allocation funds, student performance outcomes, and progress toward meeting the statutory requirements and timelines. The content and timing of the annual report is intended as a tool to help monitor program performance and inform necessary legislative policy discussions and funding adjustments.

Statewide Partnerships

The bill promotes statewide partnerships among this state's education practitioners to implement the digital classrooms plans by requiring the commissioner to support the efforts of education practitioners (e.g., superintendents, principals, and teachers) to identify and share best practices, corrective actions, and other needs.

Digital Literacy and Competency

The bill authorizes public schools to promote digital literacy and competency in Florida's schools, which will help equip Florida's students with skills to succeed in a competitive economy. Public schools may provide students the opportunities for learning computer coding and programming. Such opportunities may include:

- Instruction regarding computer coding in elementary and middle school,
- Instruction to develop computer usage and digital literacy skills in middle school, and
- Courses in computer coding and programming in high school, including opportunities to earn industry certifications related to such courses.

The bill also authorizes:

- Elementary and middle schools to establish digital classrooms to help students improve digital literacy and competency, learn digital skills (e.g., coding, multiple media presentation, and the manipulation of multiple digital graphic images), and earn digital tools (e.g., recognitions and certifications pursuant to Florida law²⁴) and grade-appropriate, technology-related industry certifications.
- High schools to provide courses in computer programming to satisfy high school graduation requirements including, but not limited to:
 - Computer programming courses of sufficient rigor, as identified by the commissioner, such that one credit in computer programming language and

²³ Section 1002.33(17)(b), F.S.

²⁴ Section 1003.4203, F.S.

earning of related industry certifications satisfies one credit of mathematics requirement for high school graduation. Such computer programming language courses and related industry certifications must be listed in the Course Code Directory (CCD)²⁵.

- Computer technology courses in 3D rapid prototype printing of sufficient rigor, as identified by the commissioner, such that one or more credits in such courses and earning of related industry certifications may satisfy up to two credits of mathematics requirement for high school graduation. Such computer technology courses and related industry certifications must be listed in the CCD.
- Computer programming language courses, at the discretion of the local district school board, such that 1 credit in a computer programming language may satisfy one credit in physical education requirement for high school graduation.

The bill authorizes the SBE to adopt rules to implement the bill provisions regarding Florida digital classrooms allocation and digital literacy and competency in Florida's schools.

Additionally, the bill also adds legislative findings and intent regarding the unique challenges faced by the military families, encouraging military installation commanders, school districts, the commissioner, and the SBE to work collaboratively to increase student achievement.

The bill takes effect on July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²⁵ The Course Code Directory is the listing of all public preK-12 courses available for use by school districts. Programs and courses which are funded through the Florida Education Finance Program and courses or programs for which students may earn credit toward high school graduation must be listed in the CCD. The CCD maintains course listings for administration and service assignments, K-12 education, exceptional student education, career and technical education, and adult education, with details regarding appropriate teacher certification levels. The CCD provides for course information to schools, districts, and the state. Rule 6A-1.09441, F.A.C.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1011.62 and 1002.33.

This bill creates section 1007.2616 of the Florida Statutes.

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

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

CS by Education on February 18, 2014:

The committee substitute maintains the intent of the SB 790 with some modifications in that the committee substitute:

- Requires the State Board of Education, rather than the Commissioner of Education, to adopt the Florida digital classrooms plan.
- Authorizes the Department of Education to consult with qualified experts to develop the Florida digital classrooms plan.
- Requires school districts to seek input from, at a minimum, the districts' instructional, curriculum, and information technology staff to develop the district digital classrooms plan.
- Requires school districts to include in the district digital classrooms plan, the plan for meeting requirements of federal initiatives and grant programs if the districts participate in such initiatives and programs.
- Requires district school superintendents to certify to the commissioner that the district school board approved-district digital classrooms plan supports the fidelity of implementation of the Florida digital classrooms allocation, prior to the distribution of the Florida digital classrooms allocation funds.

- Requires the Auditor General to verify compliance of use of funds by school districts in accordance with the department-approved district digital classrooms plan.
- Authorizes, rather than requires, public schools to provide opportunities to students to learn computer coding and computer programming.
- Authorizes, rather than requires, elementary schools and middle schools to establish digital classrooms.
- Authorizes, rather than requires, high schools to provide students opportunities to substitute computer programming language courses and computer technology courses, of sufficient rigor, as approved by the commissioner, and related industry certifications for some math and science courses to meet high school graduation requirements.
- Removes bill provisions regarding substituting computer programming language courses and related industry certifications to meet foreign language requirement.
- Authorizes the State Board of Education to administer bill provisions regarding the Florida digital classrooms allocation.
- Adds legislative findings and intent regarding the unique challenges faced by the military families, encouraging military installation commanders, school districts, the commissioner, and the State Board of Education to work collaboratively to increase student achievement.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2014	.	
	.	
	.	
	.	

The Committee on Education (Legg) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (15) is added to section 1011.62,
Florida Statutes, to read:

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



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12 follows:

13 (15) FLORIDA DIGITAL CLASSROOMS.—

14 (a) The Florida digital classrooms allocation is created to
15 support district and school efforts and strategies to improve
16 outcomes related to student performance by integrating
17 technology in classroom teaching and learning. The outcomes must
18 be measurable and may also be unique to the needs of individual
19 schools and school districts within the general parameters
20 established by the Department of Education.

21 (b) Each district school board shall adopt a district
22 digital classrooms plan that meets the unique needs of students,
23 schools, and personnel and submit the plan for approval to the
24 department. In addition, each district school board must, at a
25 minimum, seek input from the district's instructional,
26 curriculum, and information technology staff to develop the
27 district digital classrooms plan. The district's plan must be
28 within the general parameters established in the Florida digital
29 classrooms plan pursuant to paragraph (c). In addition, if the
30 district participates in federal technology initiatives and
31 grant programs, the district digital classrooms plan must
32 include a plan for meeting requirements of such initiatives and
33 grant programs. Funds allocated under this subsection must be
34 used to support implementation of district digital classrooms
35 plans. By October 1, 2014, and by March 1 of each year
36 thereafter, on a date determined by the department, each
37 district school board shall submit to the department, in a
38 format prescribed by the department, a digital classrooms plan.
39 At a minimum, such plan must include, and be annually updated to
40 reflect, the following:



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41 1. Measurable student performance outcomes. Outcomes
42 related to student performance, including outcomes for students
43 with disabilities, must be tied to the efforts and strategies to
44 improve outcomes related to student performance by integrating
45 technology in classroom teaching and learning. Results of the
46 outcomes shall be reported at least annually for the current
47 school year and subsequent 3 years and be accompanied by an
48 independent evaluation and validation of the reported results.

49 2. Digital learning and technology infrastructure purchases
50 and operational activities. Such purchases and activities must
51 be tied to the measurable outcomes under subparagraph 1.,
52 including, but not limited to, connectivity, broadband access,
53 wireless capacity, Internet speed, and data security, all of
54 which must meet or exceed minimum requirements and protocols
55 established by the department. For each year that the district
56 uses funds for infrastructure, a third-party, independent
57 evaluation of the district's technology inventory and
58 infrastructure needs must accompany the district's plan.

59 3. Professional development purchases and operational
60 activities. Such purchases and activities must be tied to the
61 measurable outcomes under subparagraph 1., including, but not
62 limited to, using technology in the classroom and improving
63 digital literacy and competency.

64 4. Digital tool purchases and operational activities. Such
65 purchases and activities must be tied to the measurable outcomes
66 under subparagraph 1., including, but not limited to,
67 competency-based credentials that measure and demonstrate
68 digital competency and certifications; third-party assessments
69 that demonstrate acquired knowledge and use of digital



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70 applications; and devices that meet or exceed minimum
71 requirements and protocols established by the department.

72 5. Online assessment-related purchases and operational
73 activities. Such purchases and activities must be tied to the
74 measurable outcomes under subparagraph 1., including, but not
75 limited to, expanding the capacity to administer assessments and
76 compatibility with minimum assessment protocols and requirements
77 established by the department.

78 (c) The State Board of Education shall adopt a Florida
79 digital classrooms plan that, at a minimum, establishes minimum
80 protocols, parameters, and requirements for district-level
81 infrastructure, school-level infrastructure, and digital tools
82 that accommodate statutory requirements and timelines for
83 instruction, learning, assessments, and accountability. The
84 Department of Education may consult with qualified experts to
85 develop the Florida digital classrooms plan. The Florida digital
86 classrooms plan shall be prepared for the current school year
87 and the subsequent 5 years. The plan shall be reviewed and
88 updated annually and must specify the criteria for the annual
89 review and approval of the districts' digital classrooms plans.

90 (d) The Legislature shall annually provide in the General
91 Appropriations Act a Florida Education Finance Program (FEFP)
92 allocation for implementation of the digital classrooms plan to
93 be calculated in an amount up to 1 percent of the base student
94 allocation multiplied by the total K-12 full-time equivalent
95 student enrollment included in the FEFP calculations for the
96 legislative appropriation or as provided in the General
97 Appropriations Act. Each school district shall be provided a
98 minimum of \$100,000, with the remaining balance of the



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99 allocation to be distributed based on each district's proportion
100 of the total K-12 full-time equivalent student enrollment.
101 Distribution of funds for the Florida digital classrooms
102 allocation shall begin following submittal of each district's
103 digital classrooms plan, which must include formal verification
104 of the superintendent's approval of the digital classrooms plan
105 of each charter school in the district, and approval of the plan
106 by the department. Prior to the distribution of the Florida
107 digital classrooms allocation funds, each district school
108 superintendent shall certify to the Commissioner of Education
109 that the district school board has approved a comprehensive
110 district digital classrooms plan that supports the fidelity of
111 implementation of the Florida digital classrooms allocation.
112 District allocations shall be recalculated during the fiscal
113 year consistent with the periodic recalculation of the FEFP.
114 School districts shall provide a proportionate share of the
115 digital classrooms allocation to each charter school in the
116 district, as required for categorical programs in s.
117 1002.33(17) (b). A school district may use a competitive process
118 to distribute funds for the Florida digital classrooms
119 allocation to the schools within the school district.

120 (e) To facilitate the implementation of the district
121 digital classrooms plans and charter school digital classrooms
122 plans, the commissioner shall support statewide, coordinated
123 partnerships and efforts of this state's education practitioners
124 in the field, including, but not limited to, superintendents,
125 principals, and teachers, to identify and share best practices,
126 corrective actions, and other identified needs.

127 (f) Beginning in the 2015-2016 fiscal year and each year



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128 thereafter, each district school board shall report to the
129 department its use of funds provided through the Florida digital
130 classrooms allocation and student performance outcomes in
131 accordance with the district's digital classrooms plan. The
132 Auditor General shall, during scheduled operational audits of
133 the school districts, verify compliance of the use of Florida
134 digital classrooms allocation funds in accordance with the
135 district's digital classrooms plan. No later than October 1 of
136 each year, beginning in the 2015-2016 fiscal year, the
137 commissioner shall provide to the Governor, the President of the
138 Senate, and the Speaker of the House of Representatives a
139 summary of each district's use of funds, student performance
140 outcomes, and progress toward meeting statutory requirements and
141 timelines.

142 (g) The State Board of Education may adopt rules pursuant
143 to ss. 120.536(1) and 120.54 to administer this subsection.

144 Section 2. Paragraph (b) of subsection (17) of section
145 1002.33, Florida Statutes, is amended to read:

146 1002.33 Charter schools.—

147 (17) FUNDING.—Students enrolled in a charter school,
148 regardless of the sponsorship, shall be funded as if they are in
149 a basic program or a special program, the same as students
150 enrolled in other public schools in the school district. Funding
151 for a charter lab school shall be as provided in s. 1002.32.

152 (b) The basis for the agreement for funding students
153 enrolled in a charter school shall be the sum of the school
154 district's operating funds from the Florida Education Finance
155 Program as provided in s. 1011.62 and the General Appropriations
156 Act, including gross state and local funds, discretionary



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157 lottery funds, and funds from the school district's current
158 operating discretionary millage levy; divided by total funded
159 weighted full-time equivalent students in the school district;
160 multiplied by the weighted full-time equivalent students for the
161 charter school. Charter schools whose students or programs meet
162 the eligibility criteria in law are ~~shall be~~ entitled to their
163 proportionate share of categorical program funds included in the
164 total funds available in the Florida Education Finance Program
165 by the Legislature, including transportation and the Florida
166 digital classrooms allocation. Total funding for each charter
167 school shall be recalculated during the year to reflect the
168 revised calculations under the Florida Education Finance Program
169 by the state and the actual weighted full-time equivalent
170 students reported by the charter school during the full-time
171 equivalent student survey periods designated by the Commissioner
172 of Education.

173 Section 3. Section 1007.2616, Florida Statutes, is created
174 to read:

175 1007.2616 Computer and technology-related coding,
176 programming, and rapid prototype printing instruction.-

177 (1) Public schools may provide students in grades K-12
178 opportunities for learning computer coding and computer
179 programming. Such opportunities may include coding instruction
180 in elementary school and middle school, instruction to develop
181 students' computer usage and digital literacy skills in middle
182 school, and courses in computer coding and computer programming
183 in high school, including earning related industry
184 certifications.

185 (2) Elementary schools and middle schools may establish



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186 digital classrooms in which students are provided opportunities
187 to improve digital literacy and competency; to learn digital
188 skills, such as coding, multiple media presentation, and the
189 manipulation of multiple digital graphic images; and to earn
190 digital tools, such as recognitions and certifications pursuant
191 to s. 1003.4203 and grade-appropriate, technology-related
192 industry certifications.

193 (3) High schools may provide students with opportunities to
194 take computer programming courses to satisfy high school
195 graduation requirements, including, but not limited to, the
196 following:

197 (a) High school computer programming courses of sufficient
198 rigor, as identified by the commissioner, such that one credit
199 in computer programming language and the earning of related
200 industry certifications constitute the equivalent of one credit
201 of mathematics requirement, with the exception of Algebra I, or
202 science requirement, with the exception of Biology I, for high
203 school graduation. Computer programming language courses and
204 technology-related industry certifications which are identified
205 as eligible for meeting mathematics or science requirements for
206 high school graduation shall be included in the Course Code
207 Directory.

208 (b) High school computer technology courses in 3D rapid
209 prototype printing of sufficient rigor, as identified by the
210 commissioner, such that one or more credits in such courses and
211 related industry certifications earned may satisfy up to two
212 credits of mathematics required for high school graduation.
213 Computer technology courses in 3D rapid prototype printing and
214 related industry certifications which are identified as eligible



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215 for meeting mathematics requirements for high school graduation
216 shall be included in the Course Code Directory.

217 (c) Courses in computer programming language, such that one
218 credit, at the discretion of the local district school board,
219 may satisfy one credit in physical education which is required
220 for high school graduation.

221 (4) The State Board of Education may adopt rules pursuant
222 to ss. 120.536(1) and 120.54 to administer this section.

223 Section 4. This act shall take effect July 1, 2014.

224

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

226 And the title is amended as follows:

227 Delete everything before the enacting clause
228 and insert:

229 A bill to be entitled
230 An act relating to education technology; amending s.
231 1011.62, F.S.; providing the purpose for the Florida
232 digital classrooms allocation; requiring a school
233 district to adopt a district digital classrooms plan,
234 to seek input from the district's staff, and to submit
235 the plan to the Department of Education for approval;
236 including a plan for meeting the requirements of
237 federal initiatives and programs if the district
238 participates in such initiatives and programs;
239 requiring that allocated funds be used for a specified
240 purpose; requiring a district school board to submit
241 to the department the district's digital classrooms
242 plan by a specified date; providing requirements for
243 the district's plan; requiring the State Board of



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244 Education to adopt a Florida digital classrooms plan
245 that establishes certain protocols, parameters, and
246 requirements; authorizing the Department of Education
247 to consult with qualified experts to develop the
248 Florida digital classrooms plan; providing
249 requirements for the plan; providing calculations for
250 funding; requiring the commissioner to support
251 statewide, coordinated partnerships and efforts of
252 education practitioners to identify and share best
253 practices, corrective actions, and other identified
254 needs; requiring each district school board to report
255 by a specified date to the department the district's
256 use of funds and student performance outcomes;
257 requiring the Auditor General to verify the use of
258 Florida digital classrooms allocation funds; requiring
259 the commissioner to provide by a specified date to the
260 Governor and the Legislature a summary of each
261 district's use of funds, student performance outcomes,
262 and progress toward meeting statutory requirements and
263 timelines; authorizing the State Board of Education to
264 adopt rules; amending s. 1002.33, F.S.; conforming
265 provisions to changes made by the act; creating s.
266 1007.2616, F.S.; authorizing public schools to provide
267 students in grades K-12 opportunities for learning
268 computer coding and programming; authorizing grade-
269 specific instruction in specified areas; authorizing
270 elementary schools and middle schools to establish
271 digital classrooms for specified purposes; authorizing
272 high schools to provide students with opportunities to



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273 take certain computer programming courses to satisfy
274 requirements for high school graduation; providing
275 exceptions for certain course requirements for high
276 school graduation; authorizing the State Board of
277 Education to adopt rules; providing an effective date.



378006

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2014	.	
	.	
	.	
	.	

The Committee on Education (Brandes) recommended the following:

1 **Senate Amendment to Amendment (279372) (with title**
2 **amendment)**

3
4 Delete lines 144 - 172

5 and insert:

6 Section 2. Paragraph (b) of subsection (17) of section
7 1002.33, Florida Statutes, is amended, and present subsection
8 (27) of that section is renumbered as subsection (28), and a new
9 subsection (27) is added to that section, to read:

10 1002.33 Charter schools.—

11 (17) FUNDING.—Students enrolled in a charter school,



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12 regardless of the sponsorship, shall be funded as if they are in
13 a basic program or a special program, the same as students
14 enrolled in other public schools in the school district. Funding
15 for a charter lab school shall be as provided in s. 1002.32.

16 (b) The basis for the agreement for funding students
17 enrolled in a charter school shall be the sum of the school
18 district's operating funds from the Florida Education Finance
19 Program as provided in s. 1011.62 and the General Appropriations
20 Act, including gross state and local funds, discretionary
21 lottery funds, and funds from the school district's current
22 operating discretionary millage levy; divided by total funded
23 weighted full-time equivalent students in the school district;
24 multiplied by the weighted full-time equivalent students for the
25 charter school. Charter schools whose students or programs meet
26 the eligibility criteria in law are ~~shall be~~ entitled to their
27 proportionate share of categorical program funds included in the
28 total funds available in the Florida Education Finance Program
29 by the Legislature, including transportation and the Florida
30 digital classrooms allocation. Total funding for each charter
31 school shall be recalculated during the year to reflect the
32 revised calculations under the Florida Education Finance Program
33 by the state and the actual weighted full-time equivalent
34 students reported by the charter school during the full-time
35 equivalent student survey periods designated by the Commissioner
36 of Education.

37 (27) FINDINGS AND INTENT REGARDING CHILDREN OF MILITARY
38 FAMILIES.—

39 (a) The Legislature finds that:

40 1. Military families face unique challenges due to the



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41 highly mobile nature of military service.

42 2. Among the many challenges military families face is
43 providing a high-quality education for their children without
44 disruption.

45 3. The state has a compelling interest in assisting the
46 development and enhancement of learning opportunities for
47 children of military families and addressing their unique needs.

48 (b) It is the intent of the Legislature that:

49 1. A framework is established to address the needs of
50 children of military families who, along with their families,
51 face unique challenges due to the highly mobile nature of
52 military service.

53 2. In establishing this framework, the Legislature finds it
54 necessary to encourage military installation commanders to
55 collaboratively work with the Commissioner of Education to
56 increase military family student achievement, which may include
57 the establishment of charter schools on military installations.

58 3. While the State Board of Education, through the Commissioner
59 of Education, shall supervise this collaboration, the applicable
60 school district shall operate and maintain control over any
61 school that is established on the military installation.

62
63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete lines 230 - 265

66 and insert:

67 An act relating to education; amending s. 1011.62,
68 F.S.; providing the purpose for the Florida digital
69 classrooms allocation; requiring a school district to



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70 adopt a district digital classrooms plan and submit
71 the plan to the Department of Education for approval;
72 providing requirements for the plan; requiring that
73 allocated funds be used for a specified purpose;
74 requiring a district school board to submit to the
75 department the district's digital classrooms plan;
76 providing requirements for the district's plan;
77 requiring the Commissioner of Education to adopt a
78 Florida digital classrooms plan that establishes
79 certain protocols, parameters, requirements, and
80 digital tools; authorizing the Department of Education
81 to consult with qualified experts to develop the
82 Florida digital classrooms plan; providing
83 requirements for the plan; providing calculations for
84 funding; requiring the commissioner to support
85 statewide, coordinated partnerships and efforts of
86 education practitioners to identify and share best
87 practices, corrective actions, and other identified
88 needs; requiring each district school board to report
89 by a specified date to the department the district's
90 use of funds and student performance outcomes;
91 requiring the commissioner to provide by a specified
92 date to the Governor and the Legislature a summary of
93 each district's use of funds, student performance
94 outcomes, and progress toward meeting statutory
95 requirements and timelines; amending s. 1002.33, F.S.;
96 conforming provisions to changes made by the act;
97 providing legislative findings and intent regarding
98 the collaboration of the State Board of Education,



378006

99 Commissioner of Education, military installation
100 commanders, and school districts to address the needs
101 of children of military families; creating s.

By Senator Legg

17-01274C-14

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1 A bill to be entitled
 2 An act relating to education technology; amending s.
 3 1011.62, F.S.; providing the purpose for the Florida
 4 digital classrooms allocation; requiring a school
 5 district to adopt a district digital classrooms plan
 6 and submit the plan to the Department of Education for
 7 approval; providing requirements for the plan;
 8 requiring that allocated funds be used for a specified
 9 purpose; requiring a district school board to submit
 10 to the department the district's digital classrooms
 11 plan; providing requirements for the district's plan;
 12 requiring the Commissioner of Education to adopt a
 13 Florida digital classrooms plan that establishes
 14 certain protocols, parameters, requirements, and
 15 digital tools; providing requirements for the plan;
 16 providing calculations for funding; requiring the
 17 commissioner to support statewide, coordinated
 18 partnerships and efforts of education practitioners to
 19 identify and share best practices, corrective actions,
 20 and other identified needs; requiring each district
 21 school board to report by a specified date to the
 22 department the district's use of funds and student
 23 performance outcomes; requiring the commissioner to
 24 provide by a specified date to the Governor and the
 25 Legislature a summary of each district's use of funds,
 26 student performance outcomes, and progress toward
 27 meeting statutory requirements and timelines; amending
 28 s. 1002.33, F.S.; conforming provisions to changes
 29 made by the act; creating s. 1007.2616, F.S.;

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30 requiring public schools to provide students in grades
 31 K-12 opportunities for learning computer coding and
 32 programming; requiring grade-specific instruction in
 33 specified areas; requiring elementary schools and
 34 middle schools to establish digital classrooms for
 35 specified purposes; requiring high schools to provide
 36 students with opportunities to take certain computer
 37 programming courses to satisfy requirements for high
 38 school graduation; requiring a Florida College System
 39 institution, and authorizing a state university, to
 40 offer students the option of completing a certain
 41 number of years of instruction in a computer
 42 programming language in lieu of completing the same
 43 number of years of foreign language instruction under
 44 certain circumstances; including such computer
 45 programming courses in the statewide course numbering
 46 system; providing that a preeminent state research
 47 university is not required to accept computer
 48 programming language as the equivalent to a certain
 49 number of years of foreign language education;
 50 authorizing the State Board of Education to adopt
 51 rules; providing an effective date.

52
 53 Be It Enacted by the Legislature of the State of Florida:

54
 55 Section 1. Subsection (15) is added to section 1011.62,
 56 Florida Statutes, to read:
 57 1011.62 Funds for operation of schools.—If the annual
 58 allocation from the Florida Education Finance Program to each

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 59 district for operation of schools is not determined in the
 60 annual appropriations act or the substantive bill implementing
 61 the annual appropriations act, it shall be determined as
 62 follows:

63 (15) FLORIDA DIGITAL CLASSROOMS.-

64 (a) The Florida digital classrooms allocation is created to
 65 improve outcomes related to student performance by emphasizing
 66 and supporting technology-enhanced classroom teaching and
 67 learning. The outcomes must be measurable and may also be unique
 68 to the needs of individual schools and school districts within
 69 the general parameters established by the Department of
 70 Education.

71 (b) Each district school board shall adopt a district
 72 digital classrooms plan that meets the unique needs of students,
 73 schools, and personnel and submit the plan for approval to the
 74 department. The district's plan must be within the general
 75 parameters established in the Florida digital classrooms plan
 76 pursuant to paragraph (c). Funds allocated under this subsection
 77 must be used to support implementation of district digital
 78 classrooms plans. By October 1, 2014, and by March 1 of each
 79 year thereafter on a date determined by the department, each
 80 district school board shall submit to the department, in a
 81 format prescribed by the department, a digital classrooms plan.
 82 At a minimum, such plan must include, and shall be annually
 83 updated to reflect, the following:

84 1. Measurable student performance outcomes. Outcomes
 85 related to student performance must result from the
 86 implementation of the district's digital classrooms plan for the
 87 current school year and subsequent 3 years, including outcomes

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 88 for students with disabilities. Results of the outcomes shall be
 89 reported at least annually and be accompanied by an independent
 90 evaluation and validation of the reported results.

91 2. Digital learning and technology infrastructure purchases
 92 and operational activities. Such purchases and activities must
 93 meet the measurable outcomes under subparagraph 1., including,
 94 but not limited to, connectivity, broadband access, wireless
 95 capacity, Internet speed, and data security, all of which must
 96 meet or exceed minimum requirements and protocols established by
 97 the department. For each year that the district uses funds for
 98 infrastructure, a third-party, independent evaluation of the
 99 district's technology inventory and infrastructure needs must
 100 accompany the district's plan.

101 3. Professional development purchases and operational
 102 activities. Such purchases and activities must meet the
 103 measurable outcomes under subparagraph 1., including, but not
 104 limited to, using technology in the classroom and improving
 105 digital literacy and competency.

106 4. Digital tool purchases and operational activities. Such
 107 purchases and activities must meet the measurable outcomes under
 108 subparagraph 1., including, but not limited to, competency-based
 109 credentials that measure and demonstrate digital competency and
 110 certifications; third-party assessments that demonstrate
 111 acquired knowledge and use of digital applications; and devices
 112 that meet or exceed minimum requirements and protocols
 113 established by the department.

114 5. Online assessment-related purchases and operational
 115 activities. Such purchases and activities must meet the
 116 measurable outcomes under subparagraph 1., including, but not

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117 limited to, expanding the capacity to administer assessments and
 118 compatibility with minimum assessment protocols and requirements
 119 established by the department.

120 (c) The commissioner shall adopt a Florida digital
 121 classrooms plan that, at a minimum, establishes minimum
 122 protocols, parameters, and requirements for district-level
 123 infrastructure, school-level infrastructure, and digital tools
 124 that accommodate statutory requirements and timelines for
 125 instruction, learning, assessments, and accountability. The
 126 Florida digital classrooms plan shall be prepared for the
 127 current school year and the subsequent 5 years. The plan shall
 128 be reviewed and updated annually and must specify the criteria
 129 for the annual review and approval of the districts' digital
 130 classrooms plans.

131 (d) The Legislature shall annually provide in the General
 132 Appropriations Act a Florida Education Finance Program (FEFP)
 133 allocation for implementation of the digital classrooms plan to
 134 be calculated in an amount up to 1 percent of the base student
 135 allocation multiplied by the total K-12 full-time equivalent
 136 student enrollment included in the FEFP calculations for the
 137 Legislative appropriation or as provided in the General
 138 Appropriations Act. Each school district shall be provided a
 139 minimum of \$100,000, with the remaining balance of the
 140 allocation to be distributed based on each district's proportion
 141 of the total K-12 full-time equivalent student enrollment.
 142 Distribution of funds for the Florida digital classrooms
 143 allocation shall begin following submittal of each district's
 144 digital classrooms plan, which must include formal verification
 145 of the superintendent's approval of the digital classrooms plan

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146 of each charter school in the district and approval of the plan
 147 by the department. District allocations shall be recalculated
 148 during the fiscal year consistent with the periodic
 149 recalculation of the FEFP. School districts shall provide a
 150 proportionate share of the digital classrooms allocation to each
 151 charter school in the district, as required for categorical
 152 programs in s. 1002.33(17)(b). A school district may use a
 153 competitive process to distribute funds for the Florida digital
 154 classrooms allocation to the schools within the school district.

155 (e) For purposes of implementing the Florida digital
 156 classrooms plan and facilitating implementation of the district
 157 digital classrooms plans and charter school digital classrooms
 158 plans, the commissioner shall support statewide, coordinated
 159 partnerships and efforts of this state's education practitioners
 160 in the field, including, but not limited to, superintendents,
 161 principals, and teachers, to identify and share best practices,
 162 corrective actions, and other identified needs.

163 (f) Beginning in the 2015-2016 fiscal year, and each year
 164 thereafter, each district school board shall report to the
 165 department its use of funds provided through the Florida digital
 166 classrooms allocation and student performance outcomes in
 167 accordance with the district's digital classrooms plan. No later
 168 than October 1 of each year, beginning in the 2015-2016 fiscal
 169 year, the commissioner shall provide to the Governor, the
 170 President of the Senate, and the Speaker of the House of
 171 Representatives, a summary of each district's use of funds,
 172 student performance outcomes, and progress toward meeting
 173 statutory requirements and timelines.

174 Section 2. Paragraph (b) of subsection (17) of section

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175 1002.33, Florida Statutes, is amended to read:

176 1002.33 Charter schools.—

177 (17) FUNDING.—Students enrolled in a charter school,
178 regardless of the sponsorship, shall be funded as if they are in
179 a basic program or a special program, the same as students
180 enrolled in other public schools in the school district. Funding
181 for a charter lab school shall be as provided in s. 1002.32.

182 (b) The basis for the agreement for funding students
183 enrolled in a charter school shall be the sum of the school
184 district's operating funds from the Florida Education Finance
185 Program as provided in s. 1011.62 and the General Appropriations
186 Act, including gross state and local funds, discretionary
187 lottery funds, and funds from the school district's current
188 operating discretionary millage levy; divided by total funded
189 weighted full-time equivalent students in the school district;
190 multiplied by the weighted full-time equivalent students for the
191 charter school. Charter schools whose students or programs meet
192 the eligibility criteria in law are ~~shall be~~ entitled to their
193 proportionate share of categorical program funds included in the
194 total funds available in the Florida Education Finance Program
195 by the Legislature, including transportation and the Florida
196 digital classrooms allocation. Total funding for each charter
197 school shall be recalculated during the year to reflect the
198 revised calculations under the Florida Education Finance Program
199 by the state and the actual weighted full-time equivalent
200 students reported by the charter school during the full-time
201 equivalent student survey periods designated by the Commissioner
202 of Education.

203 Section 3. Section 1007.2616, Florida Statutes, is created

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204 to read:

205 1007.2616 Computer and technology-related coding,
206 programming, and rapid prototype printing instruction.—

207 (1) Public schools shall provide students in grades K-12
208 opportunities for learning computer coding and computer
209 programming. Such opportunities must include coding instruction
210 in elementary school and middle school, instruction to develop
211 students' computer usage and digital literacy skills in middle
212 school, and courses in computer coding and computer programming
213 in high school, including earning related industry
214 certifications.

215 (2) Elementary schools and middle schools shall establish
216 digital classrooms in which students are provided opportunities
217 to improve digital literacy and competency; to learn digital
218 skills, such as coding, multiple media presentation, and the
219 manipulation of multiple digital graphic images; and to earn
220 digital tools, such as recognitions and certifications pursuant
221 to s. 1003.4203 and grade-appropriate, technology-related
222 industry certifications.

223 (3) High schools shall provide students with opportunities
224 to take computer programming courses to satisfy high school
225 graduation requirements, including, but not limited to, the
226 following:

227 (a) High school computer programming courses of sufficient
228 rigor, as identified by the commissioner, such that 1 credit in
229 computer programming language and the earning of related
230 industry certifications constitute the equivalent of 1 credit of
231 mathematics required for high school graduation. Computer
232 programming language courses and technology-related industry

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233 certifications, which are identified as eligible for meeting
 234 mathematics requirements for high school graduation, shall be
 235 included in the Course Code Directory.

236 (b) Levels of competency, as identified by the
 237 commissioner, in a computer programming language and the earning
 238 of technology-related industry certifications constitute the
 239 equivalent of the successful completion of 2 years of sequential
 240 high school foreign language instruction. Courses tied to the
 241 levels of competency in computer programming language and
 242 technology-related industry certifications shall be included in
 243 the Course Code Directory.

244 (c) High school computer technology courses in 3D rapid
 245 prototype printing of sufficient rigor, as identified by the
 246 commissioner, such that 1 or more credits in such courses and
 247 related industry certifications earned may satisfy up to 2
 248 credits of mathematics required for high school graduation.
 249 Computer technology courses in 3D rapid prototype printing and
 250 related industry certifications which are identified as eligible
 251 for meeting mathematics requirements for high school graduation
 252 shall be included in the Course Code Directory.

253 (d) Courses in computer programming language, such that 1
 254 credit, at the discretion of the local district school board,
 255 may satisfy 1 credit in physical education which is required for
 256 high school graduation.

257 (4) A Florida College System institution shall, and a state
 258 university may, offer students the option of completing 2 years
 259 of instruction in the same computer programming language in lieu
 260 of completing 2 years of foreign language instruction if
 261 computer programming language is appropriate for the student's

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262 major. Computer programming courses that meet this requirement
 263 shall be included in the statewide course numbering system. A
 264 preeminent state research university under s. 1001.7065 is not
 265 required to accept computer programming languages as the
 266 equivalent of 2 years of foreign language education.

267 (5) The State Board of Education may adopt rules pursuant
 268 to ss. 120.536(1) and 120.54 to implement this section.

269 Section 4. This act shall take effect July 1, 2014.

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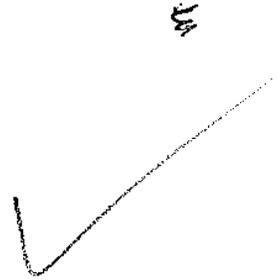
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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/10/14

Meeting Date



Topic COMPUTER SCIENCE EDUCATION

Bill Number SB 790
(if applicable)

Name GENE MCGEE

Amendment Barcode _____
(if applicable)

Job Title _____

Address 215 S. WONDRE ST. SUITE 306

Phone 850.222.0500

Street

TALLAHASSEE

FL

32301

City

State

Zip

E-mail GENE@GIMALOBBY.COM

Speaking: For Against Information

Representing MICROSOFT CORPORATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

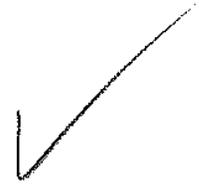
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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



2/18/14

Meeting Date

Topic Technology Instruction

Bill Number 790
(if applicable)

Name FELY CURVA, Ph.D.

Amendment Barcode _____
(if applicable)

Job Title Partner, Curva Assoc. LLC

Address 1212 Piedmont Dr.

Phone (850) 508-2256

Street

Tallahassee, FL 32312

City

State

Zip

E-mail curva@mindspring.com

Speaking: For Against Information

Representing FL. Alliance for Health, PE, Recreation,
Dance & Sport

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/18/14

Meeting Date

Topic TECHNOLOGY INSTRUCTION

Bill Number SB-790

(if applicable)

Name THOMAS ALAN COX Ph.D

Amendment Barcode _____

(if applicable)

Job Title DIRECTOR ESE/SCHOOL HEALTH LEON COUNTY

Address 2757 W. PENSACOLA ST

Phone 850-545-8827

TALLAHASSEE
City

FL
State

32304
Zip

E-mail COXA@LEON.SCHOOLS.NET

Speaking: For Against Information

Representing FLORIDA ALLIANCE FOR HEALTH & P.E

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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



2/18/14
Meeting Date

Topic ~~SB 790~~ SB 790

Bill Number 790
(if applicable)

Name Sara Clements

Amendment Barcode _____
(if applicable)

Job Title Legislative Analyst

Address 215 S. Monroe St
Street

Phone 850-391-0329

TLH FL 32301
City State Zip

E-mail Sara@afloridapromise.org

Speaking: For Against Information

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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



2/18/14
Meeting Date

Topic Digital Instruction

Bill Number 790
(if applicable)

Name Vern Pickup - Crawford

Amendment Barcode _____
(if applicable)

Job Title Legislative Liaison

Address 571 Kingsbury Terrace
Street

Phone 561.644.2439

Wellington FL 33414
City State Zip

E-mail vpickup@wellsfargo.com

Speaking: For Against Information

Representing Palm Beach 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.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/18
Meeting Date

Topic Digital Learning

Bill Number 790
(if applicable)

Name Adam Giery (Gear-e')

Amendment Barcode _____
(if applicable)

Job Title Dir of Policy

Address 136 South Branch
Street

Phone _____

Tallahassee FL 32311
City State Zip

E-mail _____

Speaking: For Against Information

Representing FL Chamber

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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



Meeting Date

Topic Education Technology Bill Number 790
(if applicable)

Name Linda Kearschner Amendment Barcode _____
(if applicable)

Job Title _____

Address _____ Phone _____
Street

City _____ State _____ Zip _____ E-mail _____

Speaking: For Against Information Line 217-220

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.

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 646

INTRODUCER: Senator Montford

SUBJECT: OGSR/Education and Applicant Records/Public Postsecondary Educational Institutions

DATE: February 17, 2014 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Letarte	Klebacha	ED	Favorable
2.	_____	_____	GO	_____
3.	_____	_____	RC	_____

I. Summary:

SB 646, simply reenacts current law, with no changes, in effect preserving the current public records exemption for a student’s education records and an applicant’s records at a public postsecondary educational institution. The exemption is scheduled to repeal on October 2, 2014, unless saved from repeal through reenactment by the Legislature.¹

Both the Florida Department of Education and the Florida Board of Governors support the bill and request the statute be reenacted.

The bill takes effect on October 1, 2014.

II. Present Situation:

Florida Public Records Requirements

The Constitution of the State of Florida provides that:

[e]very person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution.²

¹ Section 1006.52(3), F.S.

² Art. I, s. 24(a), Fla. Const. The Florida Statutes define the term “public records” as “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(12), F.S.

Under Florida law, “[e]very person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.”³

However, the Legislature is authorized to exempt records from such laws that otherwise require accessibility.⁴ Such exemptions must be passed by a two-thirds vote of each house, state with specificity the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the law.⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act (OGSRA) provides a review process for public records exemptions.⁶ OGSRA requires that a new (or substantially amended) exemption be set to repeal on October 2nd of the fifth year after enactment, unless reenacted by the Legislature.⁷

When reenacting an exemption that will repeal, a public necessity statement and a two-thirds vote for passage are required if the exemption is substantially amended but not necessary if the exemption is reenacted without expansion.⁸ A substantial amendment exists “if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records. An exemption is not substantially amended if the amendment narrows the scope of the exemption.”⁹

³ Section 119.07(1)(a), F.S.

⁴ Art. I, s. 24(c), Fla. Const.

⁵ *Id.*

⁶ Section 119.15, F.S. The statute provides specific questions to be considered during the review process. Section 119.15(6)(a), F.S. The questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

Responses to these questions from the Florida Department of Education and the State University System of Florida Board of Governors are on file with the Senate Committee on Education.

⁷ Section 119.15(3), F.S.

⁸ *See* Section 119.15(4), F.S.

⁹ Section 119.15(4)(b), F.S.

Federal and State Law Regarding Privacy of Education Records

Federal Law: Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) applies to educational agencies or institutions that receive federal funds.¹⁰ FERPA prohibits funding from being provided to an educational agency or institution that does not allow access to a student's education records¹¹ by a student or a parent pursuant to FERPA, or does not appropriately limit the transfer of a student's education records in accordance with FERPA.¹² Compliance with FERPA is a condition for receiving federal funds.¹³

Florida Law: Section 1006.52, F.S., Education Records and Applicant Records

Florida law codifies FERPA into state law to ensure compliance with FERPA and continued receipt of federal funds.¹⁴ Section 1006.52, Florida Statutes, makes education records of students and applicants of a public postsecondary educational institution confidential and exempt from public records requirements.¹⁵ "Education records" are defined as in FERPA and its regulations and include "records, files, documents, and other materials" containing "information directly related to a student" and are "maintained by an educational agency or institution or by a person acting for such agency or institution."¹⁶ "Applicant records" consist of information "[d]irectly related to an applicant for admission to a public postsecondary educational institution who has not been in attendance at the institution" and are "[m]aintained by a public postsecondary educational institution or by a party acting on behalf of the public postsecondary educational institution."¹⁷

¹⁰ 20 U.S.C. §1232g(a). An "educational agency or institution" is defined as "any public or private agency or institution which is the recipient of funds under any applicable program." *Id.* §1232(a)(3).

¹¹ *Infra* note 16 and accompanying text (providing FERPA's definition of "education records").

¹² 20 U.S.C. §1232g(a) and (b). FERPA provides that funding will not be provided to a program, agency, or institution "which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein other than directory information . . .) of students without written consent of their parents . . ." *Id.* §1232g(b)(1).

¹³ 20 U.S.C. §1232g(a)(1) and (2); *see* 34 C.F.R. §99.67(a) (identifying actions that may be taken against an educational agency or institution that does not comply with FERPA, which include withholding further payments, compelling compliance through a cease and desist order, and terminating eligibility to receive funding under any applicable program).

¹⁴ *See* s. 1006.52, F.S.; s. 3, ch. 2009-240, L.O.F. (providing that noncompliance with FERPA could result in the loss of federal funding and that "[t]he Legislature finds that in order to comply with the applicable federal requirements regarding the collection, use, and release of education records, such records must be made confidential and exempt from public disclosure).

¹⁵ *See* ss. 2-3, ch. 2009-240, L.O.F. (providing that education records, as defined by the Family Educational Rights and Privacy Act, are confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I, Florida Constitution).

¹⁶ 20 U.S.C. §1232g(a)(4)(A); s. 1006.52, F.S.; *see also* Florida Department of Education, *Open Government Sunset Review Questionnaire: Section 1006.52, F.S. Education Records and Applicant Records* (Jan. 17, 2014) (on file with Senate Committee on Education); State University System of Florida Board of Governors, *Open Government Sunset Review Questionnaire: Section 1006.52, F.S. Education Records and Applicant Records* (Jan. 13, 2014) (on file with Senate Committee on Education).

¹⁷ Section 1006.52(1), F.S. Applicant records were made confidential and exempt because the Legislature found that records of an applicant who is not admitted or does not enroll at an institution contain private information identical to that of an enrolled student and should be protected in the same manner. Section 3, ch 2009-240, L.O.F.

Current law prohibits a public postsecondary educational institution from releasing a student's education records and personally identifiable information contained therein¹⁸ without a student's written consent except in accordance with the FERPA.¹⁹ Additionally, Florida law requires that education records released to the Auditor General and the Office of Program Policy Analysis and Government Accountability for official business be used and maintained in accordance with FERPA.²⁰

The exemption in s. 1006.52, Florida Statutes, which removes a student's education records and an applicant's records at a public postsecondary educational institution from public records requirements, is set to repeal on October 2, 2014 unless reviewed and saved through reenactment by the Legislature.²¹

III. Effect of Proposed Changes:

SB 646 simply reenacts current law, with no changes, in effect the current public records exemption for a student's education records and an applicant's records at a public postsecondary educational institution.²² The bill does not require a public necessity statement or a two-thirds vote for passage because the bill does not create a new exemption or substantially amend an existing exemption.

If the exemption is not reenacted, a conflict would exist between a public postsecondary educational institution's obligations under public records laws and the privacy rights afforded to students under FERPA.²³ Noncompliance with FERPA may result in the loss of federal funding to educational agencies and institutions.²⁴

The Florida Department of Education and the State University System of Florida Board of Governors recommended reenactment of the public records exemption in s. 1006.52, F.S.²⁵

¹⁸ See 20 U.S.C. §1232(g)(b)(1)(providing that funding will not be provided to an educational agency or institution that has a policy or practice of releasing such information without consent).

¹⁹ Section 1006.52(2), F.S.

²⁰ *Id.*

²¹ Section 1006.52(3), F.S.

²² See 1006.52, F.S.

²³ Florida Department of Education, *Open Government Sunset Review Questionnaire: Section 1006.52, F.S. Education Records and Applicant Records* (Jan. 17, 2014) (on file with Senate Committee on Education); State University System of Florida Board of Governors, *Open Government Sunset Review Questionnaire: Section 1006.52, F.S. Education Records and Applicant Records* (Jan. 13, 2014) (on file with Senate Committee on Education); see 20 U.S.C. §1232g; Art. I, s. 24(a), Fla. Const.; s. 119.011(12), F.S.

²⁴ 20 U.S.C. §1232g(a)-(b); 34 C.F.R. §99.67(a); Florida Department of Education, *Open Government Sunset Review Questionnaire: Section 1006.52, F.S. Education Records and Applicant Records* (Jan. 17, 2014) (on file with Senate Committee on Education).

²⁵ Florida Department of Education, *Open Government Sunset Review Questionnaire: Section 1006.52, F.S. Education Records and Applicant Records* (Jan. 17, 2014) (on file with Senate Committee on Education); State University System of Florida Board of Governors, *Open Government Sunset Review Questionnaire: Section 1006.52, F.S. Education Records and Applicant Records* (Jan. 13, 2014) (on file with Senate Committee on Education).

The bill takes effect on October 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 1006.52 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

3-00326B-14

2014646__

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 1006.52, F.S., which provides an exemption from public records requirements for student education and applicant records of public postsecondary educational institutions; saving the exemption from repeal under the Open Government Sunset Review Act; providing an effective date.

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

Section 1. Section 1006.52, Florida Statutes, is amended to read:

1006.52 Education records and applicant records.—

(1) Each public postsecondary educational institution may prescribe the content and custody of records that the institution may maintain on its students and applicants for admission. A student's education records, as defined in the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g, and the federal regulations issued pursuant thereto, and applicant records are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For the purpose of this subsection, applicant records shall be considered to be records that are:

(a) Directly related to an applicant for admission to a public postsecondary educational institution who has not been in attendance at the institution; and

(b) Maintained by a public postsecondary educational institution or by a party acting on behalf of the public

Page 1 of 2

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

3-00326B-14

2014646__

postsecondary educational institution.

(2) A public postsecondary educational institution may not release a student's education records without the written consent of the student to any individual, agency, or organization, except in accordance with and as permitted by the FERPA. Education records released by public postsecondary educational institutions to the Auditor General or the Office of Program Policy Analysis and Government Accountability, which are necessary for such agencies to perform their official duties and responsibilities, shall be used and maintained by the Auditor General and the Office of Program Policy Analysis and Government Accountability in accordance with the FERPA.

~~(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2014, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2014.

Page 2 of 2

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: SB 648

INTRODUCER: Senator Montford

SUBJECT: OGSR/Education Records/Family Educational Rights and Privacy Act

DATE: February 17, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Letarte	Klebacha	ED	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 648 simply reenacts current law, with no changes, in effect preserving the current public records exemption for education records of K-12 students. The exemption is scheduled to repeal on October 2, 2014, unless saved from repeal through reenactment by the Legislature.¹

Both the Florida Department of Education and the Florida Board of Governors support the bill and request the statute be reenacted.

The bill takes effect on October 1, 2014.

II. Present Situation:

Florida Public Records Requirements

The Constitution of the State of Florida provides that:

[e]very person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution.²

¹ Section 1002.221(3), F.S.

² Art. I, s. 24(a), Fla. Const. The Florida Statutes define the term “public records” as “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(12), F.S.

Under Florida law, “[e]very person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.”³

However, the Legislature is authorized to exempt records from such laws that otherwise require accessibility.⁴ Such exemptions must be passed by a two-thirds vote of each house, state with specificity the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose.⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act (OGSRA) provides a review process for public records exemptions.⁶ OGSRA requires that a new exemption or substantial amendment of an existing exemption be set to repeal on October 2nd of the fifth year after enactment, unless reenacted by the Legislature.⁷

When reenacting an exemption that will repeal, a public necessity statement and a two-thirds vote for passage are required if the exemption is substantially amended but not necessary if the exemption is reenacted without expansion.⁸ A substantial amendment exists “if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records. An exemption is not substantially amended if the amendment narrows the scope of the exemption.”⁹

³ Section 119.07(1)(a), F.S.

⁴ Art. I, s. 24(c), Fla. Const.

⁵ *Id.*

⁶ Section 119.15, F.S. The statute provides specific questions to be considered during the review process. Section 119.15(6)(a), F.S. The questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

Responses to these questions from the Florida Department of Education and the State University System of Florida Board of Governors are on file with the Senate Committee on Education.

⁷ Section 119.15(3), F.S.

⁸ *See* Section 119.15(4), F.S.

⁹ Section 119.15(4)(b), F.S.

Federal and State Law Regarding Privacy of Education Records

Federal Law: Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) applies to educational agencies or institutions that receive federal funds.¹⁰ FERPA prohibits funding from being provided to an educational agency or institution that does not allow access to a student's education records¹¹ by a student or a parent pursuant to FERPA, or does not appropriately limit the transfer of a student's education records in accordance with FERPA.¹² Compliance with FERPA is a condition for receiving federal funds.¹³

Florida Law: Section 1002.221, F.S., K-12 Education Records

Florida law codifies FERPA into state law to ensure compliance with FERPA and continued receipt of federal funds.¹⁴ Section 1002.221, Florida Statutes, makes education records of students in kindergarten through grade twelve (K-12) confidential and exempt from public records requirements.¹⁵ "Education records" are defined as in FERPA and its regulations and include "records, files, documents, and other materials" containing "information directly related to a student" and are "maintained by an educational agency or institution or by a person acting for such agency or institution."¹⁶

¹⁰ 20 U.S.C. §1232g(a). An "educational agency or institution" is defined as "any public or private agency or institution which is the recipient of funds under any applicable program." *Id.* §1232(a)(3).

¹¹ *Infra* note 16 and accompanying text (providing FERPA's definition of "education records").

¹² 20 U.S.C. §1232g(a) and (b). FERPA provides that funding will not be provided to a program, agency, or institution "which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein other than directory information . . .) of students without written consent of their parents . . ." *Id.* §1232g(b)(1).

¹³ 20 U.S.C. §1232g(a)(1) and (2); *see* 34 C.F.R. §99.67(a) (identifying actions that may be taken against an educational agency or institution that does not comply with FERPA, which include withholding further payments, compelling compliance through a cease and desist order, and terminating eligibility to receive funding under any applicable program).

¹⁴ *See* s. 1002.221, F.S.; s. 3, ch. 2009-240, L.O.F. (providing that noncompliance with FERPA could result in the loss of federal funding and that "[t]he Legislature finds that in order to comply with the applicable federal requirements regarding the collection, use, and release of education records, such records must be made confidential and exempt from public disclosure).

¹⁵ Section 1, ch. 2009-240, L.O.F. (stating that education records, as defined by the Family Educational Rights and Privacy Act, are confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I, Florida Constitution).

¹⁶ 20 U.S.C. §1232g(a)(4)(A); *see also* Florida Department of Education, *Open Government Sunset Review Questionnaire: Section 1002.221, F.S. K-12 Records* (Jan. 17, 2014) (on file with Senate Committee on Education); State University System of Florida Board of Governors, *Open Government Sunset Review Questionnaire: Section 1002.221, F.S. K-12 Records* (Jan. 13, 2014) (on file with Senate Committee on Education).

Under current law, agencies¹⁷ and institutions that are part of Florida's education system¹⁸ may not release a student's education records, or personally identifiable information therein,¹⁹ without written consent from the student or student's parent except in accordance with the FERPA.²⁰ Additionally, Florida law requires that education records released to the Auditor General and the Office of Program Policy Analysis and Government Accountability for official business be used and maintained in accordance with FERPA.²¹ In 2010, s. 1002.221, F.S. was amended to allow release of a student's record without consent, in accordance with FERPA, to "parties to an interagency agreement among the Department of Juvenile Justice, the school, law enforcement authorities, and other signatory agencies" for the purpose of reducing juvenile crime and providing appropriate programs and services to a juvenile and a juvenile's family.²²

The exemption in s. 1002.221, Florida Statutes, which removes education records of students in kindergarten through grade twelve from public records requirements, is set to repeal on October 2, 2014 unless reviewed and saved through reenactment by the Legislature.²³

III. Effect of Proposed Changes:

SB 648 simply reenacts current law, with no changes, in effect preserving the current public records exemption for education records of students in kindergarten through grade twelve.²⁴ The bill does not require a public necessity statement or a two-thirds vote for passage because the bill does not create a new exemption or substantially amend an existing exemption.

If the exemption is not reenacted, a conflict would exist between a public educational agency or institution's obligations under Florida's public records requirements and the privacy rights afforded to students and parents under FERPA.²⁵ Noncompliance with FERPA may result in the loss of federal funding to educational agencies and institutions.²⁶

¹⁷ Section 1002.22(1)(a), F.S. (defining an agency as "any board, agency, or other entity that provides administrative control or direction of or performs services for public elementary or secondary schools, centers, or other institutions as defined in this chapter").

¹⁸ Section 1002.221(2)(a), F.S. (referencing s. 1000.04(1), (3), and (4), F.S., which describe the components for delivery of public education including public K-12 schools, Florida School for the Deaf, and Blind and the Florida Virtual School). Public K-12 schools "include charter schools and consist of kindergarten classes, elementary, middle, and high school grades and special classes; virtual instruction programs; workforce education; career centers; adult, part-time, and evening schools, courses, or classes, as authorized by law to be operated under the control of district school boards; and lab schools operated under the control of state universities." Section 1000.04(1), F.S.

¹⁹ See 20 U.S.C. §1232(g)(b)(1) (providing that funding will not be provided to an educational agency or institution that has a policy or practice of releasing such information without consent).

²⁰ Section 1002.221(2)(a), F.S.

²¹ Section 1002.221(2)(a), F.S.

²² Section 1002.221(2)(b), F.S.; s. 2, ch. 2010-192, L.O.F.

²³ Section 1002.221(3), F.S.

²⁴ See s. 1002.221, F.S.

²⁵ Florida Department of Education, *Open Government Sunset Review Questionnaire: Section 1002.221, F.S. K-12 Records* (Jan. 17, 2014) (on file with Senate Committee on Education); State University System of Florida Board of Governors, *Open Government Sunset Review Questionnaire: Section 1002.221, F.S. K-12 Records* (Jan. 13, 2014) (on file with Senate Committee on Education); see 20 U.S.C. §1232g; Art. I, s. 24(a), Fla. Const.; s. 119.011(12), F.S.

²⁶ 20 U.S.C. §1232g(a)-(b); 34 C.F.R. §99.67(a); Florida Department of Education, *Open Government Sunset Review Questionnaire: Section 1002.221, F.S. K-12 Records* (Jan. 17, 2014) (on file with Senate Committee on Education).

The Florida Department of Education and the State University System of Florida Board of Governors recommended reenactment of the public records exemption in s. 1002.221, F.S.²⁷

The bill takes effect on October 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 1002.221 of the Florida Statutes.

²⁷ Florida Department of Education, *Open Government Sunset Review Questionnaire: Section 1002.221, F.S. K-12 Education Records* (Jan. 17, 2014) (on file with Senate Committee on Education); State University System of Florida Board of Governors, *Open Government Sunset Review Questionnaire: Section 1002.221, F.S. K-12 Education Records* (Jan. 13, 2014) (on file with Senate Committee on Education).

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

3-00325A-14

2014648__

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 1002.221, F.S., which provides an exemption from public records requirements for education records, as defined in the Family Educational Rights and Privacy Act and related federal regulations; saving the exemption from repeal under the Open Government Sunset Review Act; providing an effective date.

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

Section 1. Section 1002.221, Florida Statutes, is amended to read:

1002.221 K-12 education records.—

(1) Education records, as defined in the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g, and the federal regulations issued pursuant thereto, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2) (a) An agency, as defined in s. 1002.22(1)(a), or a public school, center, institution, or other entity that is part of Florida's education system under s. 1000.04(1), (3), or (4), may not release a student's education records without the written consent of the student or parent to any individual, agency, or organization, except in accordance with and as permitted by the FERPA. Education records released by an agency, as defined in s. 1002.22(1)(a), or by a public school, center, institution, or other entity that is part of Florida's education

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2014648__

system under s. 1000.04(1), (3), or (4), to the Auditor General or the Office of Program Policy Analysis and Government Accountability, which are necessary for such agencies to perform their official duties and responsibilities, shall be used and maintained by the Auditor General and the Office of Program Policy Analysis and Government Accountability in accordance with the FERPA.

(b) In accordance with FERPA and the federal regulations issued pursuant to FERPA, an agency, as defined in s. 1002.22, or a public school, center, institution, or other entity that is part of Florida's education system under s. 1000.04(1), (3), or (4) may release a student's education records without written consent of the student or parent to parties to an interagency agreement among the Department of Juvenile Justice, the school, law enforcement authorities, and other signatory agencies. The purpose of such an agreement and information sharing is to reduce juvenile crime, especially motor vehicle theft, by promoting cooperation and collaboration and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions, which provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions and that support students in successfully completing their education. Information provided in furtherance of an interagency agreement is intended solely for use in determining the appropriate programs and services for each juvenile or the

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59 juvenile's family, or for coordinating the delivery of the
60 programs and services, and as such is inadmissible in any court
61 proceeding before a dispositional hearing unless written consent
62 is provided by a parent or other responsible adult on behalf of
63 the juvenile.

64 ~~(3) This section is subject to the Open Government Sunset~~
65 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
66 ~~on October 2, 2014, unless reviewed and saved from repeal~~
67 ~~through reenactment by the Legislature.~~

68 Section 2. This act shall take effect October 1, 2014.

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 656

INTRODUCER: Senator Montford

SUBJECT: OGSR/Active Investigations of Allegations/Testing Impropriety

DATE: February 17, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Letarte	Klebacha	ED	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 656 simply reenacts current law, with no changes, in effect preserving the current public records exemption for the identity of a school or postsecondary educational institution, personally identifying information of personnel, and specific allegations of misconduct until an investigation conducted by the Department of Education is concluded or inactive. The exemption is scheduled to repeal on October 2, 2014, unless saved from repeal through reenactment by the Legislature.¹

Both the Florida Department of Education and the Florida Board of Governors support the bill and request the statute be reenacted.

The bill takes effect on October 1, 2014.

II. Present Situation:

Florida Public Records Requirements

The Constitution of the State of Florida provides that:

[e]very person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution.²

¹ Section 1008.52(4)(b), F.S.

² Art. I, s. 24(a), Fla. Const. The Florida Statutes define the term “public records” as “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical

Under Florida law, “[e]very person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.”³

However, the Legislature is authorized to exempt records from such laws that otherwise require accessibility.⁴ Such exemptions must be passed by a two-thirds vote of each house, state with specificity the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose.⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act (OGSRA) provides a review process for public records exemptions.⁶ OGSRA requires that a new exemption or substantial amendment of an existing exemption be set to repeal on October 2nd of the fifth year after enactment, unless reenacted by the Legislature.⁷

When reenacting an exemption that will repeal, a public necessity statement and a two-thirds vote for passage are required if the exemption is substantially amended but not necessary if the exemption is reenacted without expansion.⁸ A substantial amendment exists “if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records. An exemption is not substantially amended if the amendment narrows the scope of the exemption.”⁹

form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(12), F.S.

³ Section 119.07(1)(a), F.S.

⁴ Art. I, s. 24(c), Fla. Const.

⁵ *Id.*

⁶ Section 119.15, F.S. The statute provides specific questions to be considered during the review process. Section 119.15(6)(a), F.S. The questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

Responses to these questions from the Florida Department of Education and the State University System of Florida Board of Governors are on file with the Senate Committee on Education.

⁷ Section 119.15(3), F.S.

⁸ *See* Section 119.15(4), F.S.

⁹ Section 119.15(4)(b), F.S.

Florida Public Records Exemption for Information in Active Investigations Conducted by the Florida Department of Education: Section 1008.24, F.S., Test Administration and Security

Florida law requires school district and public postsecondary educational administrators to cooperate with the Commissioner of the Florida Department of Education (DOE) during any investigation regarding the administration of tests required by state statute or rule.¹⁰ Certain information is classified as confidential and exempt from public records requirements until an investigation by DOE regarding allegations of testing impropriety is concluded or inactive.¹¹

In 2009, the Legislature made the identity of a school or public postsecondary educational institution, personally identifiable information of personnel, and specific allegations related to alleged testing impropriety confidential and exempt from public records requirements until an investigation was concluded or inactive.¹² The public necessity identified for making such information confidential and exempt was that “[t]he release of information before an investigation is concluded may reveal sensitive or personal information that could cause unwarranted damage to the names or reputations of the individuals involved” in the alleged misconduct.¹³

¹⁰ Section 1008.24(4)(a), F.S.

¹¹ Section 1008.24(4)(b), F.S. An investigation is considered concluded if there is “a finding that no impropriety has occurred, upon the conclusion of any resulting preliminary investigation pursuant to s. 1012.796[F.S.], upon the completion of any resulting investigation by a law enforcement agency, or upon the referral of the matter to an employer who has the authority to take disciplinary action against an individual who is suspected of a testing impropriety.” *Id.* Additionally, an investigation is active “so long as it is ongoing and there is a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future.” *Id.*

¹² Section 1, ch. 2009-143, L.O.F. Personnel records maintained for the purpose of investigating employee misconduct are exempted from public records requirements in sections 1012.31, 1012.81, and 1012.91, of the Florida Statutes. However, the exemption for personnel records of a public school employee are only protected through the completion of a preliminary investigation as opposed to being exempted until the completion or inactivity of the investigation under section 1008.24, Florida Statutes. Additionally, the exemption under section 1008.24, Florida Statutes, exempts the identity of a school or institution and any specific allegations of misconduct until the completion or inactivity of an investigation while the exemptions for personnel records do not. *See* ss. 1012.31(3)(a)1., 1012.81(1)(b), 1012.91(1)(b), and 1008.24(4)(b), F.S.; Florida Department of Education, *Open Government Sunset Review Questionnaire: Section 1008.24(4)(b), F.S. Test Administration and Security* (Jan. 17, 2014) (on file with Senate Committee on Education); State University System of Florida Board of Governors, *Open Government Sunset Review Questionnaire: Section 1008.24(4)(b), F.S. Test Administration and Security* (Jan. 13, 2014) (on file with Senate Committee on Education).

¹³ *Id.* s. 2. The release of information prior to the conclusion of an investigation may also compromise the integrity of the investigation. Florida Department of Education, *Open Government Sunset Review Questionnaire: Section 1008.24(4)(b), F.S. Test Administration and Security* (Jan. 17, 2014) (on file with Senate Committee on Education); State University System of Florida Board of Governors, *Open Government Sunset Review Questionnaire: Section 1008.24(4)(b), F.S. Test Administration and Security* (Jan. 13, 2014) (on file with Senate Committee on Education). To the extent that information obtained or reported in an investigation involves student education records or personally identifiable information, those records would be confidential and exempt pursuant to other statutes. *See* ss. 1002.221, 1006.52, F.S.; Florida Department of Education, *Open Government Sunset Review Questionnaire: Section 1008.24(4)(b), F.S. Test Administration and Security* (Jan. 17, 2014) (on file with Senate Committee on Education); State University System of Florida Board of Governors, *Open Government Sunset Review Questionnaire: Section 1008.24(4)(b), F.S. Test Administration and Security* (Jan. 13, 2014) (on file with Senate Committee on Education) (providing that education records, as defined in the Federal Educational Rights and Privacy Act (FERPA) and its regulations, and personally identifiable information therein, is confidential and exempt from public records requirements).

The exemption in s. 1008.24, F.S., which removes the identity of a school or public postsecondary educational institution, personally identifiable information of personnel, and specific allegations related to alleged testing impropriety from public records requirements until the conclusion or inactivity of an investigation, is set to repeal on October 2, 2014 unless reviewed and saved through reenactment by the Legislature.¹⁴

III. Effect of Proposed Changes:

SB 646 simply reenacts current law, with no changes, in effect preserving the current public records exemption for the identity of a school or public postsecondary educational institution, personally identifiable information of personnel, and specific allegations related to alleged testing impropriety from public records requirements until the conclusion or inactivity of an investigation.¹⁵ This bill does not require a public necessity statement or a two-thirds vote for passage because the bill does not create a new exemption or substantially amend an existing exemption.

The Florida Department of Education and the State University System of Florida Board of Governors recommended reenactment of the public records exemption in s. 1008.24, F.S.¹⁶

The bill takes effect on October 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁴ Section 1008.24(4)(b), F.S.

¹⁵ See s. 1008.24(4), F.S.

¹⁶ Florida Department of Education, *Open Government Sunset Review Questionnaire: Section 1008.24(4)(b), F.S. Test Administration and Security* (Jan. 17, 2014) (on file with Senate Committee on Education); State University System of Florida Board of Governors, *Open Government Sunset Review Questionnaire: Section 1008.24(4)(b), F.S. Test Administration and Security* (Jan. 13, 2014) (on file with Senate Committee on Education).

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 amends section 1008.24 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 Montford

3-00327A-14

2014656__

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 1008.24, F.S., which provides an exemption from public records requirements for certain information held by the Department of Education during active investigations of allegations of testing impropriety; saving the exemption from repeal under the Open Government Sunset Review Act; providing an effective date.

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

Section 1. Subsection (4) of section 1008.24, Florida Statutes, is amended to read:

1008.24 Test administration and security.—

(4) (a) A district school superintendent, a president of a public postsecondary educational institution, or a president of a nonpublic postsecondary educational institution shall cooperate with the Commissioner of Education in any investigation concerning the administration of a test administered pursuant to state statute or rule.

(b) The identity of a school or postsecondary educational institution, the personally identifiable information of any personnel of any school district or postsecondary educational institution, or any specific allegations of misconduct obtained or reported pursuant to an investigation conducted by the Department of Education of a testing impropriety are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the conclusion of the

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3-00327A-14

2014656__

investigation or until such time as the investigation ceases to be active. For the purpose of this paragraph, an investigation shall be deemed concluded upon a finding that no impropriety has occurred, upon the conclusion of any resulting preliminary investigation pursuant to s. 1012.796, upon the completion of any resulting investigation by a law enforcement agency, or upon the referral of the matter to an employer who has the authority to take disciplinary action against an individual who is suspected of a testing impropriety. For the purpose of this paragraph, an investigation shall be considered active so long as it is ongoing and there is a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. ~~This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2014, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2014.

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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: SPB 7036

INTRODUCER: Education Committee

SUBJECT: Postsecondary Education

DATE: February 20, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha		Submitted as Committee Bill
2.				
3.				
4.				
5.				
6.				

I. Summary:

SPB 7036 eliminates the automatic annual rate of inflation increase of the resident undergraduate tuition per credit hour at state universities and reduces the tuition differential fee cap for state universities from 15 percent to 6 percent. The bill also specifies that if the resident undergraduate tuition per credit hour at state universities is not provided in the General Appropriations Act, the tuition must remain the same as the prior fiscal year.

The bill takes effect on July 1, 2014.

II. Present Situation:

Resident Undergraduate Tuition Per Credit Hour

A student who enrolls in a college credit course at a state university is charged tuition¹ and other fees, unless the student is eligible for an exemption or a waiver.² The amount of resident undergraduate tuition per credit hour is established by the Legislature.³ For the 2013-2014 fiscal year, the resident undergraduate tuition is \$103.32 per credit hour for lower-level and upper-level coursework at a state university.⁴

The resident undergraduate tuition per credit hour for the state universities increases automatically at the beginning of each fall semester at a rate equal to inflation, unless otherwise

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

² Sections 1009.24(1)-(2), 1009.25, and 1009.26, F.S.

³ Section 1009.24(4), F.S.

⁴ Section 1009.24(4)(a), F.S.

provided in the General Appropriations Act. Current law requires the Office of Economic and Demographic Research to report the rate of inflation to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the Board of Governors each year prior to March 1.⁵ The rate of inflation is defined as “the rate of the 12-month percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics, or its successor for December of the previous year.”⁶ If the percentage change is negative, the resident undergraduate tuition must remain at the same as the prior fiscal year.⁷

In addition to the resident undergraduate tuition, the Legislature also establishes the financial aid fee, Capital Improvement Trust Fund fee, technology fee, and distance learning course fee as a specified dollar amount or percent of tuition.⁸ Additionally, the board of trustees for each state university may establish the following fees subject to the approval of the Board of Governors for the State University System of Florida (BOG): activity and service fee, health fee, athletic fee, and tuition differential fee.^{9,10} The board of trustees for each SUS institution may also assess additional fees upon approval by the BOG.¹¹ Revenue generated from these fees must be expended as provided in law.¹²

Tuition Differential Fee

Each state university board of trustees may establish a tuition differential fee for undergraduate courses upon receipt of approval from the BOG. The fee must promote improvements in the quality of undergraduate education and provide financial aid to undergraduate students who exhibit financial need.¹³ The aggregate sum of undergraduate tuition and fees per credit hour, including the tuition differential fee, must not exceed the national average of undergraduate tuition and fees at 4-year degree-granting public postsecondary educational institutions.¹⁴

Increases to the tuition differential fee may be proposed by the state university board of trustees once each year. Such increases must be approved by the BOG. The tuition differential fee must not result in increasing the aggregate sum of tuition and the tuition differential fee by more than 15 percent of the total charged for such fees in the preceding fiscal year.¹⁵

⁵ Section 1009.24(4)(b), F.S.

⁶ Section 1009.24(4)(b), F.S.

⁷ Section 1009.24(4)(b), F.S.

⁸ Section 1009.24 (7), (8), (13), and (17), F.S.

⁹ Tuition differential is defined as the “supplemental fee charged to a student by a public university in this state.” Section 1009.01(3), F.S. “The aggregate sum of undergraduate tuition and fees per credit hour, including the tuition differential [fee at a state university], may not exceed the national average of undergraduate tuition and fees at 4-year degree-granting public postsecondary educational institutions.” Section 1009.24(16)(b)4., F.S.

¹⁰ Section 1009.24(4), (9)-(12), and (16), F.S.; Florida Board of Governors Regulations 7.001(6) and (14) and 7.003(4), (5), (16), (17), and (23).

¹¹ Section 1009.24 (14), F.S.

¹² Section 1009.24, F.S.

¹³ Section 1009.24(16), F.S.

¹⁴ Section 1009.24(16)(b)4., F.S.

¹⁵ Section 1009.24(16)(b)3., F.S.; *see also* Florida Board of Governors Regulation 7.001(14).

III. Effect of Proposed Changes:

SPB 7036 eliminates the automatic annual rate of inflation increase of the resident undergraduate tuition per credit hour at state universities and reduces the tuition differential fee cap for state universities from 15 percent to 6 percent. As a result, the fees, which are indexed to tuition, will also be restricted from automatically increasing annually, making college education more affordable and accessible to Florida's families.

The bill also specifies that if the resident undergraduate tuition per credit hour at state universities is not provided in the General Appropriations Act, the tuition must remain the same as the prior fiscal year.

The bill takes effect on July 1, 2014.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

SPB 7036 makes college education more affordable and accessible to Florida's families by eliminating automatic annual rate of inflation increase of the resident undergraduate tuition per credit hour at state universities and reducing the tuition differential fee cap for state universities from 15 percent to 6 percent.

C. Government Sector Impact:

If the resident undergraduate tuition per credit hour is not provided in the General Appropriations Act, the state universities will no longer be able receive an automatic annual increase in revenues from tuition and fees (which may be indexed to tuition), if the automatic annual rate of inflation increase is eliminated. A reduction in the tuition differential fee cap may result in forgone revenues for the state universities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1009.24 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.



758994

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/18/2014	.	
	.	
	.	
	.	

The Committee on Education (Galvano) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (4) and paragraph
(b) of subsection (16) of section 1009.24, Florida Statutes, are
amended to read:

1009.24 State university student fees.—

(4)

(b) Beginning with the 2008-2009 fiscal year and each year
thereafter, the resident undergraduate tuition per credit hour



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12 shall increase at the beginning of each fall semester at a rate
13 ~~equal to inflation, unless otherwise~~ provided in the General
14 Appropriations Act. If the rate is not provided in the General
15 Appropriations Act ~~The Office of Economic and Demographic~~
16 ~~Research shall report the rate of inflation to the President of~~
17 ~~the Senate, the Speaker of the House of Representatives, the~~
18 ~~Governor, and the Board of Governors each year prior to March 1.~~
19 ~~For purposes of this paragraph, the rate of inflation shall be~~
20 ~~defined as the rate of the 12-month percentage change in the~~
21 ~~Consumer Price Index for All Urban Consumers, U.S. City Average,~~
22 ~~All Items, or successor reports as reported by the United States~~
23 ~~Department of Labor, Bureau of Labor Statistics, or its~~
24 ~~successor for December of the previous year. In the event the~~
25 ~~percentage change is negative, the resident undergraduate~~
26 tuition shall remain at the same level as the prior fiscal year.

27 (16) Each university board of trustees may establish a
28 tuition differential for undergraduate courses upon receipt of
29 approval from the Board of Governors. The tuition differential
30 shall promote improvements in the quality of undergraduate
31 education and shall provide financial aid to undergraduate
32 students who exhibit financial need.

33 (b) Each tuition differential is subject to the following
34 conditions:

35 1. The tuition differential may be assessed on one or more
36 undergraduate courses or on all undergraduate courses at a state
37 university.

38 2. The tuition differential may vary by course or courses,
39 campus or center location, and by institution. Each university
40 board of trustees shall strive to maintain and increase



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41 enrollment in degree programs related to math, science, high
42 technology, and other state or regional high-need fields when
43 establishing tuition differentials by course.

44 3. For each state university that has total research and
45 development expenditures for all fields of at least \$100 million
46 per year as reported annually to the National Science
47 Foundation, the aggregate sum of tuition and the tuition
48 differential may not be increased by more than 6 ~~15~~ percent of
49 the total charged for the aggregate sum of these fees in the
50 preceding fiscal year. For each state university that has total
51 research and development expenditures for all fields of less
52 than \$100 million per year as reported annually to the National
53 Science Foundation, the aggregate sum of tuition and the tuition
54 differential may not be increased by more than 6 ~~15~~ percent of
55 the total charged for the aggregate sum of these fees in the
56 preceding fiscal year.

57 4. The aggregate sum of undergraduate tuition and fees per
58 credit hour, including the tuition differential, may not exceed
59 the national average of undergraduate tuition and fees at 4-year
60 degree-granting public postsecondary educational institutions.

61 5. The tuition differential shall not be included in any
62 award under the Florida Bright Futures Scholarship Program
63 established pursuant to ss. 1009.53-1009.538.

64 6. Beneficiaries having prepaid tuition contracts pursuant
65 to s. 1009.98(2)(b) which were in effect on July 1, 2007, and
66 which remain in effect, are exempt from the payment of the
67 tuition differential.

68 7. The tuition differential may not be charged to any
69 student who was in attendance at the university before July 1,



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70 2007, and who maintains continuous enrollment.

71 8. The tuition differential may be waived by the university
72 for students who meet the eligibility requirements for the
73 Florida public student assistance grant established in s.
74 1009.50.

75 9. Subject to approval by the Board of Governors, the
76 tuition differential authorized pursuant to this subsection may
77 take effect with the 2009 fall term.

78 Section 2. This act shall take effect July 1, 2014.

79

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

81 And the title is amended as follows:

82 Delete everything before the enacting clause
83 and insert:

84 A bill to be entitled
85 An act relating to postsecondary education; amending
86 s. 1009.24, F.S.; deleting a provision relating to the
87 automatic rate of inflation increase in resident
88 undergraduate tuition per credit hour at state
89 universities; deleting a requirement that the Office
90 of Economic and Demographic Research annually report
91 the rate of inflation to the Governor, the
92 Legislature, and the Board of Governors; deleting the
93 definition of the term "rate of inflation"; lowering
94 the annual percentage increase allowed in the
95 aggregate sum of tuition and the tuition differential
96 at state universities; providing an effective date.

FOR CONSIDERATION By the Committee on Education

581-01683-14

20147036__

1 A bill to be entitled
 2 An act relating to postsecondary education; amending
 3 s. 1009.24, F.S.; deleting a provision related to
 4 automatic rate of inflation increase of resident
 5 undergraduate tuition per credit hour at state
 6 universities; deleting a provision that requires the
 7 Office of Economic and Demographic Research to
 8 annually report the rate of inflation to the Governor,
 9 the Legislature, and the Board of Governors; deleting
 10 the definition of the term "rate of inflation";
 11 providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Paragraph (b) of subsection (4) of section
 16 1009.24, Florida Statutes, is amended to read:

17 1009.24 State university student fees.—

18 (4)

19 (b) Beginning with the 2008-2009 fiscal year and each year
 20 thereafter, the resident undergraduate tuition per credit hour
 21 shall increase at the beginning of each fall semester at a rate
 22 ~~equal to inflation, unless otherwise~~ provided in the General
 23 Appropriations Act. If the rate is not provided in the General
 24 Appropriations Act ~~The Office of Economic and Demographic~~
 25 ~~Research shall report the rate of inflation to the President of~~
 26 ~~the Senate, the Speaker of the House of Representatives, the~~
 27 ~~Governor, and the Board of Governors each year prior to March 1.~~
 28 ~~For purposes of this paragraph, the rate of inflation shall be~~
 29 ~~defined as the rate of the 12-month percentage change in the~~

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20147036__

30 ~~Consumer Price Index for All Urban Consumers, U.S. City Average,~~
 31 ~~All Items, or successor reports as reported by the United States~~
 32 ~~Department of Labor, Bureau of Labor Statistics, or its~~
 33 ~~successor for December of the previous year. In the event the~~
 34 ~~percentage change is negative,~~ the resident undergraduate
 35 tuition shall remain at the same level as the prior fiscal year.

36 Section 2. This act shall take effect July 1, 2014.

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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)

February 18, 2014

Meeting Date

Topic School Accountability

Bill Number _____
(if applicable)

Name Deirdre Conner

Amendment Barcode _____
(if applicable)

Job Title Director of Advocacy & Communications

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Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

CourtSmart Tag Report

Room: KN 412
Caption: Senate Education Committee

Case:
Judge:

Type:

Started: 2/18/2014 10:01:38 AM
Ends: 2/18/2014 11:08:17 AM **Length:** 01:06:40

10:01:40 AM Chairman Legg calls the meeting to order
10:01:47 AM roll call
10:01:50 AM quorum present
10:02:05 AM SB 140
10:02:25 AM Senator Bradley explains the bill
10:03:32 AM Senator Bradley waives close
10:03:36 AM Roll call
10:03:53 AM SB 140 reported favorably
10:04:12 AM SB 732
10:04:28 AM Senato Galvano explains the bill
10:05:11 AM Sen Bullard ask a question
10:05:48 AM Senator Galvano answers
10:06:04 AM Senator Sachs ask a question
10:06:35 AM Senator Galvano answers
10:07:46 AM Serri Croom of the Governor's Office waives in support
10:08:00 AM Mr. Thompson of
10:08:14 AM Florida Prepaid waives in support
10:08:16 AM Senator Galvano closes on the bill
10:09:14 AM Roll call on SB 732
10:09:22 AM SB 732 reported favorably
10:09:37 AM SB 790
10:09:48 AM Senator Montford takes the chair
10:09:59 AM Amendment 279372 strike all amendment
10:10:21 AM Senator Legg explains the amendment
10:11:23 AM Senator Montford ask to take up Amendment 378006 to amendment 279372
10:11:40 AM Senator Brandes is recognized to explain the amendment to the amendment
10:12:02 AM Senator Bullard ask a question
10:12:13 AM Senator Brandes answers
10:12:41 AM Senator Bullard with a follow up
10:12:50 AM Senator Brandes answers
10:13:44 AM amendment adopted
10:13:56 AM back on the strike all amendment as amended
10:14:07 AM Senator Bullard with a question
10:14:36 AM Back on the bill
10:14:52 AM Senator Bullard
10:15:12 AM Senator Legg answers
10:16:22 AM Senator Bullard with a question
10:17:15 AM Senator Legg answers
10:18:20 AM Senator Bullard with a question
10:18:44 AM Senator Legg answers
10:20:12 AM Senator Montford puts the bill in proper posture
10:20:16 AM Senator Montford - show the strike all amendment to the bill as favorable
10:20:21 AM Back on the bill
10:20:36 AM Senator Bullard
10:20:42 AM Senator Simmons
10:22:58 AM Senator Legg answers
10:25:26 AM Senator Sachs ask a question
10:25:49 AM Senator Legg responds
10:27:07 AM Senator Sachs with a follow up
10:27:14 AM Senator Legg responds
10:28:11 AM Senator Sachs
10:28:23 AM Senator Legg responds

10:28:57 AM Senator Sachs
10:29:07 AM Senator Legg responds
10:30:58 AM Senator Sachs
10:31:14 AM Senator Legg responds
10:32:48 AM Senator Sachs
10:33:51 AM Public testimony
10:33:57 AM Gene McGee of Microsoft Corp speaks
10:35:53 AM Senator Bullard ask a question
10:36:28 AM Mr. McGee responds
10:37:56 AM Fely Curva of Florida Alliance for Health speaks
10:38:57 AM Thomas Cox of Florida Alliance for Health speaks
10:43:48 AM Sara Clements of Foundation for Florida's Future waives in support
10:44:06 AM Vern Crawford of Palm Beach County School Board speaks
10:47:03 AM Adam Gerry Florida Chamber waives in support
10:47:23 AM Linda Kearschner of Florida PTA speaks
10:48:36 AM Senator Galvano debates
10:49:36 AM Senator Sachs debates
10:51:22 AM Senator Bullard debates
10:53:57 AM Senator Legg closes on bill
10:56:07 AM CS on SB 790
10:56:33 AM roll call on SB 790
10:56:43 AM CSSB 790 reported favorably
10:56:53 AM Chairman Legg takes the chair
10:57:16 AM SB 646 by Senator Montford
10:57:31 AM Senator Montford explains the bill
10:58:04 AM Senator Montford waives close
10:58:12 AM roll cal
10:58:14 AM SB 646 reported favorably
10:58:33 AM SB 648 by Senator Montford
10:58:40 AM Senator Montford explains the bill
10:58:56 AM Senator Montford waives close
10:59:02 AM roll call
10:59:04 AM SB 648 reported favorably
10:59:20 AM SB 656 by Senator Montford and the Senator explains the bill
10:59:36 AM Senator Montoford waives close
10:59:41 AM roll call
10:59:45 AM SB 656 reported favorably
10:59:54 AM SPB 7036
11:00:07 AM Senator Galvano explains the bill
11:00:21 AM strike all 758994
11:00:36 AM Senator Galvano explains strike all
11:00:43 AM Strike all adopted
11:00:50 AM Back on the bill as amended
11:00:58 AM Senator Galvano waives close
11:01:06 AM roll call
11:01:10 AM SPB 7036 reported favorably
11:01:30 AM Workshop
11:01:59 AM Senator Legg gives background
11:04:26 AM Senator Montford comments
11:05:20 AM Senator Leggs speaks
11:05:42 AM Deirde Conner of Jacksonville Public Education speaks
11:08:01 AM Senator Benacquisto moves we rise