

SB 880 by Ring; (Compare to H 0837) Student Loan Default Rates

412462	A	S	L	RCS	HE, Gaetz	Delete L.41 - 105:	03/23 07:12 PM
889952	A	S	L	RCS	HE, Gaetz	Delete L.140 - 206.	03/23 07:12 PM

SB 938 by Flores (CO-INTRODUCERS) Soto; (Compare to H 1317) Postsecondary Education Affordability

104094	A	S		RCS	HE, Benacquisto	Delete L.103 - 427:	03/23 07:12 PM
547964	AA	S	L	RCS	HE, Negron	Delete L.233 - 245.	03/23 07:12 PM

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

SB 948 by Gaetz; (Compare to H 0993) Career Education and Job Training

318464	A	S		RCS	HE, Gaetz	Delete L.31 - 154:	03/23 07:12 PM
879998	A	S		RCS	HE, Gaetz	Delete L.155 - 260:	03/23 07:12 PM
821776	A	S		RCS	HE, Gaetz	btw L.329 - 330:	03/23 07:12 PM
740600	A	S	L	RCS	HE, Gaetz	btw L.329 - 330:	03/23 07:12 PM

SB 1252 by Stargel; Higher Education

694136	D	S		RCS	HE, Negron	Delete everything after	03/23 07:12 PM
533238	AA	S		RCS	HE, Legg	btw L.744 - 745:	03/23 07:12 PM

SB 1522 by Detert; Workforce Training

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

HIGHER EDUCATION
Senator Stargel, Chair
Senator Sachs, Vice Chair

MEETING DATE: Monday, March 23, 2015
TIME: 4:00 —6:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Stargel, Chair; Senator Sachs, Vice Chair; Senators Benacquisto, Braynon, Gaetz, Joyner, Legg, Negron, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 880 Ring (Compare H 837, H 1031, S 1484)	Student Loan Default Rates; Requiring certain institutions to maintain a federal student loan cohort default rate below a specified percentage; revising the minimum standards the Commission for Independent Education must use to evaluate an institution for licensure to include the institution's federal student loan cohort default rate; revising the minimum criteria for an independent postsecondary educational institution to apply for a license by accreditation to include a maximum percentage for the institution's federal student loan cohort default rate, etc. HE 03/23/2015 Fav/CS AED AP	Fav/CS Yeas 9 Nays 0
2	SB 938 Flores (Compare H 1317)	Postsecondary Education Affordability; Exempting textbooks required for a course offered by a public or nonpublic postsecondary educational institution from the sales and use tax; requiring the Board of Governors and the State Board of Education to identify strategies and initiatives to reduce the cost of higher education; prohibiting resident tuition at a Florida College System institution from exceeding a specified amount per credit hour; prohibiting resident undergraduate tuition at a state university from exceeding a specified amount per credit hour, etc. HE 03/23/2015 Fav/CS AED AP	Fav/CS Yeas 9 Nays 0
3	SB 942 Gaetz (Identical H 993, Compare S 948)	Rapid Response Education and Training Program; Establishing the Rapid Response Education and Training Program within the Complete Florida Plus Program; requiring the Complete Florida Plus Program to work with Enterprise Florida, Inc., to offer certain education and training commitments to businesses, etc. HE 03/23/2015 Favorable AED AP	Favorable Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Higher Education

Monday, March 23, 2015, 4:00 —6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 948 Gaetz (Compare H 993, S 942, S 1252, S 1522)	Career Education and Job Training; Clarifying State Apprenticeship Advisory Council membership; revising characteristics of an apprenticeable occupation; revising funding to include career and professional academies; establishing the Rapid Response Education and Training Program within the Complete Florida Plus Program; requiring the Complete Florida Plus Program to work with Enterprise Florida, Inc., to offer education and training programs to businesses' employees, etc. HE 03/23/2015 Fav/CS AED AP	Fav/CS Yeas 9 Nays 0
5	SB 1252 Stargel (Compare S 948)	Higher Education; Deleting a provision prohibiting the State Board of Education from approving Florida College System institution baccalaureate degree program proposals during a certain timeframe; revising accountability measures for the Department of Education regarding career education to include program standards that reflect the quality components of the career and technical education programs, etc. HE 03/23/2015 Fav/CS AED AP	Fav/CS Yeas 9 Nays 0
6	SB 1522 Detert (Compare S 948)	Workforce Training; Requiring the Department of Education, in collaboration with the Department of Economic Opportunity, to identify and recommend specified apprenticeship programs; requiring the Department of Education, in collaboration with the Department of Economic Opportunity, to identify and recommend specified preapprenticeship programs, etc. HE 03/23/2015 Favorable AED AP	Favorable Yeas 9 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Board of Trustees, Florida Gulf Coast University			
7	Grady, Thomas R. (Naples)	01/06/2016	Recommend Confirm Yeas 9 Nays 0
Board of Trustees, Florida Polytechnic University			
8	O'Malley, Thomas D., Sr. (Palm Beach)	06/30/2015	Recommend Confirm Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Higher Education

Monday, March 23, 2015, 4:00 —6:00 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Board of Trustees, University of Florida			
9	Stern, Robert Gary (Tampa)	01/06/2020	Recommend Confirm Yeas 9 Nays 0
Board of Trustees, Florida Atlantic University			
10	Feingold, Jeffrey P. (Delray Beach)	01/06/2020	Recommend Confirm Yeas 9 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Higher Education

BILL: SB 880

INTRODUCER: Senator Ring

SUBJECT: Student Loan Default Rates

DATE: March 20, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	HE	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 880 requires public and private postsecondary educational institutions to report on the federal student loan cohort default rate for their institutions and makes the institutions' eligibility for certain state funds contingent on the institutions maintaining the default rate at the specified thresholds.

Specifically, the bill defines and applies student loan default rates as a criteria affecting the licensure of certain private postsecondary educational institutions; scholarship award amounts for William L. Boyd, IV, Florida Resident Access Grant and the Access to Better Learning and Education Grant; and state funding for Florida College System institutions and state universities.

The bill takes effect July 1, 2015.

II. Present Situation:

U.S. Department of Education (USDOE) annually calculates the student loan default rates.

Federal Student Loan Default Rate

Federal student loans are borrowed funds that must be repaid with interest.¹ Failure to repay a loan can result in default.² For most federal student loans, an individual will default if he or she does not make a payment in more than 270 days.³

¹ U.S. Department of Education, Federal Student Aid, *Default Rates*, <https://studentaid.ed.gov/about/data-center/student/default> (last visited March 20, 2015); U.S. Department of Education, Federal Student Aid, *Cohort Default Rate Guide*, <http://ifap.ed.gov/DefaultManagement/CDRGuideMaster.html> (last visited March 20, 2015).

² *Id.*

³ *Id.*

On October 28, 2009, the USDOE published the regulations enacted by the Higher Education Opportunity Act of 2009 that govern the calculation of cohort default rates.⁴ An institution's cohort default rate is calculated as a percentage of borrowers in the cohort who default before the end of the second fiscal year after the fiscal year in which the borrowers entered repayment.⁵ This extends the length of time in which a student can default from two to three years.⁶ "A 3-year cohort default rate is the percentage of a school's borrowers who enter repayment on certain Federal Family Education Loan (FFEL) Program or William D. Ford Federal Direct Loan (Direct Loan) Program loans during a particular federal fiscal year, October 1 to September 30, and default or meet other specified conditions prior to the end of the second following fiscal year."⁷

The Florida Legislature provides state funds to public and certain private postsecondary educational institutions through several sources including, but not limited to, tuition assistance grants and performance funding. Current law also specifies accountability requirements that both public and private postsecondary institutions must meet.

Operation of Private Postsecondary Educational Institutions

Private postsecondary educational institutions must be licensed to operate in Florida and meet specified fair consumer practices requirements.

Licensure of Institutions

The commission is responsible for developing minimum standards to evaluate institutions for licensure.⁸ Current law requires that the standards must, at a minimum, include the institution's name, financial stability, purpose, administrative organization, admissions and recruitment, educational programs and curricula, retention, completion, career placement, faculty, learning resources, student personnel services, physical plant and facilities, publications, and disclosure statements about the status of institutions related to professional certification and licensure.⁹ A postsecondary educational institution must obtain licensure from CIE to operate in the state of Florida, unless such institution is not under CIE's jurisdiction or purview.¹⁰

Institutions that are exempt from licensure by the commission include, but are not limited to, Independent Colleges and Universities of Florida (ICUF) institutions that are eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program (FRAG).¹¹ Such colleges and universities must be not for profit, located and chartered in Florida, and accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS) to grant baccalaureate degrees.¹²

⁴ U.S. Department of Education, *Three-Year Official Cohort Default Rates for Schools*, <http://www2.ed.gov/offices/OSFAP/defaultmanagement/cdr.html> (last visited March 19, 2015).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Section 1005.31(2), F.S.

⁹ *Id.*

¹⁰ Sections 1005.31(1)(a) and 1005.06(1), F.S.

¹¹ Section 1005.06(1)(c), F.S.

¹² *Id.*

Licensure by Means of Accreditation

A private postsecondary educational institution that meets the following criteria may apply for a license by means of accreditation from the commission:

- The institution has operated legally in this state for at least 5 consecutive years.
- The institution holds institutional accreditation by an accrediting agency evaluated and approved by the commission as having standards substantially equivalent to the commission's licensure standards.
- The institution has no unresolved complaints or actions in the past 12 months.
- The institution meets minimum requirements for financial responsibility as determined by the commission.
- The institution is a Florida corporation.

An institution that is granted a license by means of accreditation must comply with the standards and requirements in law.¹³

Fair Consumer Practices

A private postsecondary educational institution that is under the jurisdiction of the Commission for Independent Education (CIE or commission)¹⁴ or is exempt from the jurisdiction or purview of the commission must do the following:¹⁵

- Disclose to each prospective student specified information (e.g., a statement of the purpose of the institution, its educational programs and curricula, a description of its physical facilities, its status regarding licensure, and its fee schedule and policies). The institution must make the required written disclosures at least 1 week prior to enrollment or collection of any tuition from the prospective student.
- Use a reliable method to assess, before accepting a student into a program, the student's ability to complete successfully the course of study for which he or she has applied.
- Inform each student accurately about financial assistance and obligations for repayment of loans, describe any employment placement services provided and the limitations thereof, and refrain from misinforming the public about guaranteed placement, market availability, or salary amounts.
- Provide to prospective and enrolled students accurate program licensure information for practicing related occupations and professions in Florida.
- Ensure that all advertisements are accurate and not misleading.
- Publish and follow an equitable prorated refund policy for all students, and follow both the federal refund guidelines for students receiving federal financial assistance and the minimum refund guidelines established by commission rule.

¹³ Section 1005.32, F.S.

¹⁴ The Commission for Independent Education, established in DOE, is responsible for exercising independently all powers, duties, and functions concerning independent postsecondary educational institutions in consumer protection, program improvement, and licensure of institutions under its purview. The commission is also responsible for authorizing the granting of diplomas and degrees by independent postsecondary educational institutions under its jurisdiction. Section 1005.21(1)-(2), F.S. Independent postsecondary educational institution means "any postsecondary educational institution that operates in this state or makes application to operate in this state, and is not provided, operated, and supported by the State of Florida, its political subdivisions, or the Federal Government." Section 1005.02(11), F.S.

¹⁵ Section 1005.04(1), F.S.

- Follow state and federal requirements that require annual reporting of crime statistics and physical plant safety, and make such reports available to the public.
- Publish and follow procedures for handling student complaints, disciplinary actions, and appeals.

Florida Resident Access Grant Program

The Legislature, through the William L. Boyd, IV, Florida Resident Access Grant (FRAG) Program, provides tuition assistance to undergraduate students enrolled in degree programs at eligible not-for-profit, SACS-accredited private colleges or universities that are located and chartered in Florida.¹⁶ Currently, eligible institutions include 32 private colleges and universities.¹⁷ FRAG is administered as a decentralized program, which means that each participating institution determines application deadlines, student eligibility, and award amounts.¹⁸ Eligibility criteria and maximum award amounts are specified in law.¹⁹ For the 2014-2015 fiscal year, the Legislature appropriated \$112,359,000 to support 37,453 qualified Florida resident students at \$3,000 per student for tuition assistance.²⁰

Access to Better Learning and Education Grant Program

The Access to Better Learning and Education (ABLE) Grant Program provides tuition assistance to undergraduate students enrolled in degree programs at eligible private Florida postsecondary institutions.²¹ ABLE is administered as a decentralized program, which means that each participating institution determines application deadlines, student eligibility, and award amounts.²² Eligibility criteria and award maximums are specified in law.²³ For the 2014-2015 fiscal year, the Legislature appropriated \$5,689,500 to support 3,793 qualified Florida resident students at \$1,500 per student for tuition assistance.²⁴

¹⁶ Section 1009.89(1) and (3), F.S.

¹⁷ Independent Colleges and Universities of Florida, *About Us*, <http://www.icuf.org/newdevelopment/about-icuf/> (last visited March 19, 2015). FRAG-eligible institutions are Adventist University of Health Sciences, Ave Maria University, Barry University, Beacon College, Bethune-Cookman University, Clearwater Christian College, Eckerd College, Edward Waters College, Embry-Riddle Aeronautical University, Everglades University, Flagler College, Florida College, Florida Institute of Technology, Florida Memorial University, Florida Southern College, Hodges University, Jacksonville University, Keiser University, Lynn University, Nova Southeastern University, Palm Beach Atlantic University, Ringling College of Art and Design, Rollins College, Saint Leo University, Southeastern University, St. Thomas University, Stetson University, The Baptist College of Florida, University of Miami, University of Tampa, Warner University, and Webber International University. Florida Department of Education, *2014-15 Florida Resident Access Grant Program Eligible Institutions*, https://www.floridastudentfinancialaid.org/admin/SAWELIGPSI_ByProg.asp?ByProg=FRAG (last visited March 20, 2015).

¹⁸ Florida Department of Education, *Annual Report to the Commissioner (2013-14)*, available at <http://www.floridastudentfinancialaid.org/SSFAD/pdf/annualreportcurrent.pdf>, at 39 of 78.

¹⁹ Section 1009.89(4)-(6), F.S.; Specific Appropriation 70, s. 2, ch. 2014-51, L.O.F.

²⁰ Specific Appropriation 70, s. 2, ch. 2014-51, L.O.F.

²¹ Section 1009.891(3), F.S.; Florida Department of Education, *Annual Report to the Commissioner (2013-14)*, available at <http://www.floridastudentfinancialaid.org/SSFAD/pdf/annualreportcurrent.pdf>, at 41 of 78.

²² Florida Department of Education, *Annual Report to the Commissioner (2013-14)*, available at <http://www.floridastudentfinancialaid.org/SSFAD/pdf/annualreportcurrent.pdf>, at 41 of 78.

²³ Section 1009.891(4)-(7), F.S.;

²⁴ Specific Appropriation 67, s. 2, ch. 2014-51, L.O.F.

Private postsecondary educational institutions must meet the following criteria to be qualified to provide ABLE awards to eligible students:²⁵

- Be for-profit college or university that is located in and chartered by the state and is accredited by SACS, or be not-for-profit college or university that has been located in Florida for 10 years or more and is accredited by SACS, the Middle States Association of Colleges and Schools, the North Central Association of Colleges and Schools, or the New England Association of Colleges and Schools.
- Grant baccalaureate degrees.
- Have a secular purpose.

Currently, 16 postsecondary educational institutions meet the established criteria and are eligible to disburse ABLE awards.²⁶ The average cohort default rate of institutions receiving ABLE Grant is 16.27 percent. The highest rate of the 16 institutions is 23.1 percent.²⁷

Florida College System Program Fund

The Florida College System Program Fund is comprised of appropriations made by the Legislature for operational support of the Florida College System (FCS) institutions.²⁸ Program funds are apportioned and distributed to each FCS institution in accordance with the law and rules of the State Board of Education.²⁹ Performance funding for industry certifications for FCS institutions is contingent upon specific appropriation in the General Appropriations Act (GAA).³⁰ Currently, the average student loan cohort default rate for FCS institutions is 19.23 percent. The student loan cohort default rate for such institutions ranges between 8.8 percent and 25.5 percent.³¹

Performance Funding for State Universities

State performance funds for the State University System must be based on indicators of system and institutional attainment of performance expectations.³² The Board of Governors of the State University System of Florida (BOG) must review and rank each state university that applies for performance funding, as provided in the GAA, based on formula specified in law.³³ The formula

²⁵ Section 1009.891(3), F.S.; Florida Department of Education, *Annual Report to the Commissioner* (2013-14), available at <http://www.floridastudentfinancialaid.org/SSFAD/pdf/annualreportcurrent.pdf>, at 41 of 78.

²⁶ Florida Department of Education, *Annual Report to the Commissioner* (2013-14), available at <http://www.floridastudentfinancialaid.org/SSFAD/pdf/annualreportcurrent.pdf>, at 41 of 78. The 16 ABLE-eligible institutions are AI Miami International University of Art & Design, Carlos Albizu University, Columbia College, Florida National University, Johnson & Wales University, Johnson University, National Louis University, Northwood University, Polytechnic University of Puerto Rico, South University, Springfield College, Trinity International University, Union Institute & University, Universidad Del Este, Universidad Del Turabo, and Universidad Matropolitana. Florida Department of Education, *2014-15 Access to Better Learning and Education Grant Program Eligible Institutions*, https://www.floridastudentfinancialaidsg.org/admin/SAWELIGPSI_ByProg.asp?ByProg=ABLE (last visited March 20, 2015).

²⁷ Email, Florida Department of Education (March 19, 2015), on file with the Committee on Higher Education staff.

²⁸ Section 1011.81(1), F.S.

²⁹ *Id.*

³⁰ Section 1011.81(2), F.S.

³¹ Email, Florida Department of Education (March 19, 2015), on file with the Committee on Higher Education staff.

³² Section 1011.905(1), F.S.

³³ *Id.*

specifies that 50 percent of a state university's score for performance funding must be based on the factors determined by the BOG (i.e., factors relating to increasing the probability of the employment of graduates from state universities in high-skill, high-wage, and high-demand jobs).³⁴

III. Effect of Proposed Changes:

SB 880 requires public and private postsecondary educational institutions to report on the federal student loan cohort default rate for their institutions and makes the institutions' eligibility for certain state funds contingent on the institutions maintaining the default rate at the specified thresholds.

Specifically, the bill specifies the following requirements that impact public and private postsecondary educational institutions:

- Public Postsecondary Educational Institutions
 - Performance funding for industry certifications for the Florida College System (FCS) institutions must factor-in the institutions' federal student loan default rate.
 - Subject to funds provided in the General Appropriations Act, 50 percent of a state university's score for performance funding must include the university's federal student loan cohort default rate, in addition to the factors determined by the Board of Governors of the State University System of Florida, as specified in current law (i.e., factors relating to increasing the probability of the employment of graduates from state universities in high-skill, high-wage, and high-demand jobs).³⁵
- Private Postsecondary Educational Institutions
 - Private postsecondary educational institutions must provide federal student loan default rate information as part of the fair consumer practices reporting requirements.
 - Private postsecondary educational institutions must not receive the William L. Boyd, IV, Florida Resident Access Grant (FRAG) or the Access to Better Learning and Education (ABLE) Grant for incoming students if the institutions' federal student loan cohort default rate exceeds 30 percent. The bill specifies that such institutions will remain ineligible to receive FRAG or ABLE funds, as applicable, until the institutions' federal student loan default rate falls below the 30 percent threshold.

Additionally, the bill requires:

- The minimum standards developed by the Commission for Independent Education (commission) to include federal student loan cohort default rate as calculated by the United States Department of Education.
- The commission to deny a renewal of an annual license for an institution whose federal student loan cohort default rate exceeds 30 percent.
- The criteria for applying for licensure by means of accreditation to also include a condition that the institution's federal student loan cohort default rate does not exceed 30 percent.

The bill takes effect July 1, 2015.

³⁴ Section 1011.905(1)(c), F.S.

³⁵ Section 1011.905(1)(c), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1005.04, 1005.31, 1005.32, 1009.89, 1009.891, 1011.81, and 1011.905.

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.



412462

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
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The Committee on Higher Education (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete lines 41 - 105

and insert:

Section 1. Section 1005.04, Florida Statutes, is amended to read:

1005.04 Fair consumer practices; federal student loan default rates.—

(1) Every institution that is under the jurisdiction of the commission or is exempt from the jurisdiction or purview of the



412462

11 commission pursuant to s. 1005.06(1)(c) or (f) and that either
12 directly or indirectly solicits for enrollment any student
13 shall:

14 (a) Disclose to each prospective student a statement of the
15 purpose of such institution, its educational programs and
16 curricula, a description of its physical facilities, its status
17 regarding licensure, its fee schedule and policies regarding
18 retaining student fees if a student withdraws, and a statement
19 regarding the transferability of credits to and from other
20 institutions. The institution shall make the required
21 disclosures in writing at least 1 week prior to enrollment or
22 collection of any tuition from the prospective student. The
23 required disclosures may be made in the institution's current
24 catalog;

25 (b) Use a reliable method to assess, before accepting a
26 student into a program, the student's ability to complete
27 successfully the course of study for which he or she has
28 applied;

29 (c) Inform each student accurately about financial
30 assistance and obligations for repayment of loans; describe any
31 employment placement services provided and the limitations
32 thereof; and refrain from promising or implying guaranteed
33 placement, market availability, or salary amounts;

34 (d) Maintain a federal student loan cohort default rate,
35 released during the fall of each academic year, below 30 percent
36 for 3 consecutive years or at or below 40 percent for any given
37 year. An institution eligible for a William L. Boyd, IV, Florida
38 Resident Access Grant pursuant to s. 1009.89 and an institution
39 eligible for an Access to Better Learning and Education Grant



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40 pursuant to s. 1009.891 whose federal student loan cohort
41 default rate exceeds these rates shall be ineligible to receive
42 payments from such grants for incoming students until the
43 institution's federal student loan cohort default rate falls
44 below the threshold. The commission shall revoke the license of
45 an institution under its jurisdiction whose federal student loan
46 cohort default rate exceeds the threshold. The commission may
47 not reinstate an institution's license until the institution's
48 federal student loan cohort default rate falls below the
49 threshold. An institution's ineligibility to receive such funds
50 or maintain a license is effective for the academic year
51 following the fall disclosure of the federal student loan cohort
52 default rate. The institution will remain ineligible for a
53 minimum of 1 academic year until the institution's federal
54 student loan cohort default rate falls below the threshold;

55 (e) Provide to prospective and enrolled students accurate
56 information regarding the relationship of its programs to state
57 licensure requirements for practicing related occupations and
58 professions in Florida;

59 (f)~~(e)~~ Ensure that all advertisements are accurate and not
60 misleading;

61 (g)~~(f)~~ Publish and follow an equitable prorated refund
62 policy for all students, and follow both the federal refund
63 guidelines for students receiving federal financial assistance
64 and the minimum refund guidelines set by commission rule;

65 (h)~~(g)~~ Follow the requirements of state and federal laws
66 that require annual reporting with respect to crime statistics
67 and physical plant safety and make those reports available to
68 the public; and



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69 (i)~~(h)~~ Publish and follow procedures for handling student
70 complaints, disciplinary actions, and appeals.

71 (2) In addition, institutions that are required to be
72 licensed by the commission shall disclose to prospective
73 students that additional information regarding the institution
74 may be obtained by contacting the Commission for Independent
75 Education, ~~Department of Education, Tallahassee.~~

76
77 ===== T I T L E A M E N D M E N T =====

78 And the title is amended as follows:

79 Delete lines 5 - 7

80 and insert:

81 default rate below a specified percentage; requiring
82 the Commission for Independent Education to revoke the
83 license of an institution whose federal student loan
84 cohort default rate exceeds the threshold percentage;
85 providing that an institution is ineligible to receive
86 certain grant payments or maintain a license, and
87 remains ineligible, until the



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
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The Committee on Higher Education (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete lines 140 - 206.

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

And the title is amended as follows:

Delete lines 22 - 29

and insert:

federal student loan cohort default rate; amending s.
1011.81, F.S.; requiring

By Senator Ring

29-00668A-15

2015880__

1 A bill to be entitled
2 An act relating to student loan default rates;
3 amending s. 1005.04, F.S.; requiring certain
4 institutions to maintain a federal student loan cohort
5 default rate below a specified percentage; providing
6 that an institution is ineligible to receive certain
7 grant payments, and remains ineligible, until the
8 institution's federal student loan cohort default rate
9 falls below a specified percentage; defining such an
10 institution's period of ineligibility; amending s.
11 1005.31, F.S.; revising the minimum standards the
12 Commission for Independent Education must use to
13 evaluate an institution for licensure to include the
14 institution's federal student loan cohort default
15 rate; requiring the commission to deny a renewal
16 license for an institution whose federal student loan
17 cohort default rate exceeds a specified percentage;
18 amending s. 1005.32, F.S.; revising the minimum
19 criteria for an independent postsecondary educational
20 institution to apply for a license by accreditation to
21 include a maximum percentage for the institution's
22 federal student loan cohort default rate; amending ss.
23 1009.89 and 1009.891, F.S.; prohibiting an institution
24 whose federal student loan cohort default rate exceeds
25 a specified percentage from receiving William L. Boyd,
26 IV, Florida Resident Access Grant payments and Access
27 to Better Learning and Education Grant Program
28 payments; defining such institutions' periods of
29 ineligibility; amending s. 1011.81, F.S.; requiring

29-00668A-15

2015880__

30 Florida College System institution performance funding
31 for industry certifications to take into consideration
32 an institution's federal student loan cohort default
33 rate; amending s. 1011.905, F.S.; requiring State
34 University System institution performance funding
35 calculations to take into consideration an
36 institution's federal student loan cohort default
37 rate; providing an effective date.
38

39 Be It Enacted by the Legislature of the State of Florida:
40

41 Section 1. Section 1005.04, Florida Statutes, is amended to
42 read:

43 1005.04 Fair consumer practices; federal student loan
44 default rates.-

45 (1) Every institution that is under the jurisdiction of the
46 commission or is exempt from the jurisdiction or purview of the
47 commission pursuant to s. 1005.06(1)(c) or (f) and that either
48 directly or indirectly solicits for enrollment any student
49 shall:

50 (a) Disclose to each prospective student a statement of the
51 purpose of such institution, its educational programs and
52 curricula, a description of its physical facilities, its status
53 regarding licensure, its fee schedule and policies regarding
54 retaining student fees if a student withdraws, and a statement
55 regarding the transferability of credits to and from other
56 institutions. The institution shall make the required
57 disclosures in writing at least 1 week prior to enrollment or
58 collection of any tuition from the prospective student. The

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59 required disclosures may be made in the institution's current
60 catalog;

61 (b) Use a reliable method to assess, before accepting a
62 student into a program, the student's ability to complete
63 successfully the course of study for which he or she has
64 applied;

65 (c) Inform each student accurately about financial
66 assistance and obligations for repayment of loans; describe any
67 employment placement services provided and the limitations
68 thereof; and refrain from promising or implying guaranteed
69 placement, market availability, or salary amounts;

70 (d) Maintain a federal student loan cohort default rate,
71 released during the fall of each academic year, below 30 percent
72 for three consecutive years or at or below 40 percent for any
73 given year. An institution eligible for a William L. Boyd, IV,
74 Florida Resident Access Grant pursuant to s. 1009.89 and an
75 institution eligible for an Access to Better Learning and
76 Education Grant pursuant to s. 1009.891, whose federal student
77 loan cohort default rate exceeds these rates, shall be
78 ineligible to receive payments from such grants for incoming
79 students. An institution is ineligible to receive such funds
80 beginning in the academic year following the fall disclosure of
81 the federal student loan cohort default rate and the institution
82 will remain ineligible for a minimum of one academic year until
83 the institution's federal student loan cohort default rate falls
84 below the threshold;

85 (e) Provide to prospective and enrolled students accurate
86 information regarding the relationship of its programs to state
87 licensure requirements for practicing related occupations and

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88 professions in Florida;

89 (f)~~(e)~~ Ensure that all advertisements are accurate and not
90 misleading;

91 (g)~~(f)~~ Publish and follow an equitable prorated refund
92 policy for all students, and follow both the federal refund
93 guidelines for students receiving federal financial assistance
94 and the minimum refund guidelines set by commission rule;

95 (h)~~(g)~~ Follow the requirements of state and federal laws
96 that require annual reporting with respect to crime statistics
97 and physical plant safety and make those reports available to
98 the public; and

99 (i)~~(h)~~ Publish and follow procedures for handling student
100 complaints, disciplinary actions, and appeals.

101 (2) In addition, institutions that are required to be
102 licensed by the commission shall disclose to prospective
103 students that additional information regarding the institution
104 may be obtained by contacting the Commission for Independent
105 Education, Department of Education, Tallahassee.

106 Section 2. Subsection (2) of section 1005.31, Florida
107 Statutes, is amended, and subsection (16) is added to that
108 section, to read:

109 1005.31 Licensure of institutions.—

110 (2) The commission shall develop minimum standards by which
111 to evaluate institutions for licensure. These standards must
112 include at least the institution's name, financial stability,
113 purpose, administrative organization, admissions and
114 recruitment, educational programs and curricula, retention,
115 completion, career placement, federal student loan cohort
116 default rate as calculated by the United States Department of

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117 Education, faculty, learning resources, student personnel
118 services, physical plant and facilities, publications, and
119 disclosure statements about the status of the institution with
120 respect to professional certification and licensure. The
121 commission may adopt rules to ensure that institutions licensed
122 under this section meet these standards in ways that are
123 appropriate to achieve the stated intent of this chapter,
124 including provisions for nontraditional or distance education
125 programs and delivery.

126 (16) The commission shall deny a renewal of an annual
127 license for an institution whose federal student loan cohort
128 default rate exceeds 30 percent.

129 Section 3. Present paragraph (e) of subsection (1) of
130 section 1005.32, Florida Statutes, is redesignated as paragraph
131 (f), and a new paragraph (e) is added to that subsection, to
132 read:

133 1005.32 Licensure by means of accreditation.—

134 (1) An independent postsecondary educational institution
135 that meets the following criteria may apply for a license by
136 means of accreditation from the commission:

137 (e) The institution's federal student loan cohort default
138 rate, as calculated by the United States Department of
139 Education, does not exceed 30 percent.

140 Section 4. Subsection (3) of section 1009.89, Florida
141 Statutes, is amended to read:

142 1009.89 The William L. Boyd, IV, Florida Resident Access
143 Grants.—

144 (3) The department shall issue through the program a
145 William L. Boyd, IV, Florida Resident Access Grant to any full-

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146 time degree-seeking undergraduate student registered at an
147 independent nonprofit college or university which is located in
148 and chartered by the state; which is accredited by the
149 Commission on Colleges of the Southern Association of Colleges
150 and Schools; which grants baccalaureate degrees; which is not a
151 state university or Florida College System institution; and
152 which has a secular purpose, so long as the receipt of state aid
153 by students at the institution would not have the primary effect
154 of advancing or impeding religion or result in an excessive
155 entanglement between the state and any religious sect. Any
156 independent college or university that was eligible to receive
157 tuition vouchers on January 1, 1989, and which continues to meet
158 the criteria under which its eligibility was established, shall
159 remain eligible to receive William L. Boyd, IV, Florida Resident
160 Access Grant payments. An eligible institution whose federal
161 student loan cohort default rate, as calculated by the United
162 States Department of Education, exceeds 30 percent is ineligible
163 to receive a William L. Boyd, IV, Florida Resident Access Grant
164 payment for an incoming student. An institution is ineligible to
165 receive such funds beginning in the academic year following the
166 fall disclosure of the federal student loan cohort default rate,
167 and the institution shall remain ineligible for a minimum of one
168 academic year until the institution's federal student loan
169 cohort default rate falls below the 30 percent threshold.

170 Section 5. Subsection (3) of section 1009.891, Florida
171 Statutes, is amended to read:

172 1009.891 The Access to Better Learning and Education Grant
173 Program.—

174 (3) The department shall issue an access grant to any full-

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175 time student seeking a baccalaureate degree who is registered at
176 a for-profit college or university that is located in and
177 chartered by the state and that is accredited by the Commission
178 on Colleges of the Southern Association of Colleges and Schools
179 or who is registered at a nonprofit college or university that
180 is chartered out of the state, that has been located in the
181 state for 10 years or more, and that is accredited by the
182 Commission on Colleges of the Southern Association of Colleges
183 and Schools, the Middle States Association of Colleges and
184 Schools, the North Central Association of Colleges and Schools,
185 or the New England Association of Colleges and Schools; that
186 grants baccalaureate degrees; that is not a state university or
187 Florida College System institution; and that has a secular
188 purpose, if the receipt of state aid by students at the
189 institution would not have the primary effect of advancing or
190 impeding religion or result in an excessive entanglement between
191 the state and any religious sect. Institutions eligible for the
192 Access to Better Learning and Education Grant Program in the
193 initial year of funding shall include only those for-profit
194 colleges or universities identified in this subsection.
195 Nonprofit colleges or universities identified in this subsection
196 shall be eligible for financial support in the second year of
197 funding. An eligible institution whose federal student loan
198 cohort default rate, as calculated by the United States
199 Department of Education, exceeds 30 percent is ineligible to
200 receive an Access to Better Learning and Education Grant Program
201 payment for an incoming student. An institution is ineligible to
202 receive such funds beginning in the academic year following the
203 fall disclosure of the federal student loan cohort default rate,

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204 and the institution will remain ineligible for a minimum of one
205 academic year until the institution's federal student loan
206 cohort default rate falls below the 30 percent threshold.

207 Section 6. Subsection (2) of section 1011.81, Florida
208 Statutes, is amended to read:

209 1011.81 Florida College System Program Fund.—

210 (2) Performance funding for industry certifications for
211 Florida College System institutions must take into consideration
212 an institution's federal student loan cohort default rate and is
213 contingent upon specific appropriation in the General
214 Appropriations Act and shall be determined as follows:

215 (a) Occupational areas for which industry certifications
216 may be earned, as established in the General Appropriations Act,
217 are eligible for performance funding. Priority shall be given to
218 the occupational areas emphasized in state, national, or
219 corporate grants provided to Florida educational institutions.

220 (b) The Chancellor of the Florida College System shall
221 identify the industry certifications eligible for funding on the
222 Postsecondary Industry Certification Funding List approved by
223 the State Board of Education pursuant to s. 1008.44, based on
224 the occupational areas specified in the General Appropriations
225 Act.

226 (c) Each Florida College System institution shall be
227 provided \$1,000 for each industry certification earned by a
228 student. The maximum amount of funding appropriated for
229 performance funding pursuant to this subsection shall be limited
230 to \$15 million annually. If funds are insufficient to fully fund
231 the calculated total award, such funds shall be prorated.

232 Section 7. Paragraph (c) of subsection (1) of section

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233 1011.905, Florida Statutes, is amended to read:

234 1011.905 Performance funding for state universities.-

235 (1) State performance funds for the State University System
236 shall be based on indicators of system and institutional
237 attainment of performance expectations. For the 2012-2013
238 through at least the 2016-2017 fiscal year, the Board of
239 Governors shall review and rank each state university that
240 applies for performance funding, as provided in the General
241 Appropriations Act, based on the following formula:

242 (c) Fifty percent of a state university's score shall be
243 based on:

244 1. Factors determined by the Board of Governors which
245 relate to increasing the probability that graduates who have
246 earned degrees in the programs described in paragraph (a) will
247 be employed in high-skill, high-wage, and high-demand
248 employment; and-

249 2. An institution's federal student loan cohort default
250 rate.

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/23/15
Meeting Date

SB 880
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Yolanda Cash Jackson

Job Title ATTORNEY

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Phone 954-985-4132

Street Ft Lauderdale FL 33301

Email YJACKSON@BPLEGAL.COM

Speaking: For Against Information

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

Representing Bethune Cookman, Florida Men, Edward Waters

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

3-23-15

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

SB 880

Meeting Date

Bill Number (if applicable)

Topic STUDENT LOAN DEFAULT RATE

Amendment Barcode (if applicable)

Name DR. ED MOORE

Job Title ICUF PRESIDENT

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

Representing ICUF- INDEP. COLLEGES & UNIV. OF FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/23/15
Meeting Date

SB 840
Bill Number (if applicable)

Topic SB 840

Amendment Barcode (if applicable)

Name Mark Anderson

Job Title Lobbyist

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Street

Phone 813-205-0658

Tallahassee FL 32301
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Email mark@consultanderson.com

Speaking: For Against Information

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

Representing ABLE Grant Institutions

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 Higher Education

BILL: SB 938

INTRODUCER: Senator Flores

SUBJECT: Postsecondary Education Affordability

DATE: March 20, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	HE	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 938 reduces costs associated with postsecondary textbooks and tuition and fees, and requires an evaluation of policies to improve college affordability.

Additionally, the bill establishes a new sales tax exemption for textbooks required for courses offered by Florida College System institutions, state universities, and independent colleges and universities that are eligible to participate in either the William L. Boyd, IV, Florida Resident Access Grant or the Access to Better Learning and Education Grant Program.

The bill takes effect July 1, 2015.

II. Present Situation:

The Legislature has established several mechanisms to maintain higher education access and affordability through strategies to keep the costs associated with instructional materials and tuition and fees low.

Instructional Materials

Florida College System (FCS) institutions and state universities must post on their websites, not less than 30 days prior to the first day of class for each term, a list of each textbook required for each course for the term.¹ The list must include the International Standard Book Number (ISBN) for each required textbook and specific information necessary to identify the specific textbook required for each course.²

¹ Section 1004.085(3), F.S.

² *Id.*

The State Board of Education (SBE) and the Board of Governors for the State University System of Florida (BOG) must adopt policies, procedures, principles, and guidelines for implementation by FCS institutions and state universities that further efforts to minimize the costs of textbooks for students attending such institutions while maintaining the quality of education and academic freedom.³ The policies, procedures, and guidelines must provide for the following:⁴

- That textbook adoptions are made with sufficient lead time to bookstores so as to confirm availability of the requested materials and ensure maximum availability of used books.
- That, in the textbook adoption process, the intent to use all items ordered, is confirmed by the course instructor or academic department offering the course before the adoption is finalized.
- That a course instructor or the academic department offering the course, determines, before a textbook is adopted, the extent to which a new edition differs significantly and substantively from earlier versions and the value of changing to a new edition or the extent to which an open access textbook may exist and be used.
- That the establishment of policies shall address the availability of required textbooks to students who are otherwise unable to afford the cost, including consideration of the extent to which an open-access textbook may be used.
- The course instructors and academic departments are encouraged to participate in the development, adaptation, and review of open-access textbooks, especially open-access textbooks for high-demand general education courses.

Preeminent State Research University Institute for Online Learning

In 2013, the Legislature authorized state research universities that meet all 12 of the academic and research excellence standards for designation as a preeminent state research university, as verified by the BOG, to establish an institute for online learning.⁵ The institute must establish a robust offering of high-quality, fully online baccalaureate degree programs at an affordable cost.⁶ Currently, only Florida State University and University of Florida meet the academic and research excellence standards for the preeminent state research university designation,⁷ with University of Florida meeting all 12 of the standards.⁸ In January 2014, the University of Florida began offering online courses through the university's institute for online learning.⁹

³ Section 1004.085(3)-(4), F.S.

⁴ Section 1004.085(3)-(4), F.S.

⁵ Section 1001.7065(4), F.S.

⁶ *Id.*

⁷ Florida Board of Governors of the State University System of Florida, *Strategic Planning Committee Agenda: Approval of Preeminent State Research University Benchmark Plans (Nov. 20, 2013)*, available at http://www.flbog.edu/documents_meetings/0184_0752_5480_399%20SPC%20Packet.pdf, at 36 of 122.

⁸ Florida Board of Governors of the State University System of Florida, *Advisory Board for the Institute for Online Learning: Agenda and Meeting Materials (Aug. 23, 2013)*, available at http://www.flbog.edu/about/taskforce/_doc/online_advisory/FINAL08232013AdvisoryBoard.pdf, at 26 of 108; Florida Board of Governors of the State University System of Florida, *Strategic Planning Committee Agenda (Sep. 27, 2013)*, available at http://flbog.edu/documents_meetings/0219_0734_5468_199%20SPC%20Packet%20w%20repl.pdf, at 2 of 88.

⁹ Florida Board of Governors of the State University System of Florida, *Strategic Planning Committee Agenda (Sep. 27, 2013)*, available at http://flbog.edu/documents_meetings/0219_0734_5468_199%20SPC%20Packet%20w%20repl.pdf, at 14 of 88.

Tuition and Fees

Under Florida law, “tuition” is defined as “the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state.”¹⁰ A student who is classified as a “resident for tuition purposes” is a student who qualifies for the in-state tuition rate.¹¹ An “out-of-state fee” is “the additional fee for instruction provided by a public postsecondary education institution in this state, which fee is charged to a student who does not qualify for the in-state tuition rate.”¹²

Workforce Education Postsecondary Fees

A student who enrolls in workforce education postsecondary programs is charged tuition and other fees, unless the student is eligible for an exemption or a waiver.¹³ The Legislature establishes the standard tuition and out-of-state fee per contact hour. Since July 1, 2014, for programs leading to a career certificate or an applied technology diploma, the standard tuition is \$2.33 per contact hour for residents and nonresidents. The out-of-state fee for such programs is \$6.99 per contact hour.¹⁴ For adult general education programs, a block tuition of \$45 per half year or \$30 per term is assessed.¹⁵

Each district school board and each FCS System institution board of trustees are authorized to adopt tuition and out-of-state fees that vary no more than 5 percent below of 5 percent above the combined total of the standard tuition and out-of-state fees.¹⁶

Florida College System Institution Student Fees

A student who enrolls in a college credit course, a college preparatory course, or an educator preparation institute (EPI) program at a FCS institution is charged tuition and other fees, unless the student is eligible for an exemption or a waiver.¹⁷ The Legislature establishes the standard tuition and out-of-state fee per credit hour. Since July 1, 2014, the standard tuition per credit hour for residents and non-residents enrolled in advanced and professional, postsecondary vocational, developmental education, and EPI programs is \$71.98. The out-of-state fee for such programs is \$215.94 per credit hour.¹⁸ For baccalaureate programs, the tuition per credit hour for resident students is \$91.79 per credit hour.¹⁹ The sum of tuition and out-of-state fee per credit hour for non-resident students must not be more than 85 percent of the sum of tuition and out-of-state fee at a state university nearest to the FCS institution.²⁰

¹⁰ Section 1009.01(1), F.S. Additionally, the definition of tuition states that “[a] charge for any other purpose shall not be included within this fee.” *Id.*

¹¹ Section 1009.21(1)(g), F.S.

¹² Section 1009.01(2), F.S. Additionally, the definition of out-of-state fee states that “[a] charge for any other purpose shall not be included within this fee.” *Id.*

¹³ Sections 1009.22(1)-(2), 1009.25, and 1009.26, F.S.

¹⁴ Section 1009.22(3)(c), F.S.

¹⁵ *Id.*

¹⁶ Section 1009.22(3)(d), F.S.

¹⁷ Sections 1009.23(1)-(2)(a), 1009.25, and 1009.26, F.S.

¹⁸ Section 1009.23(3)(a), F.S.

¹⁹ Section 1009.23(3)(b)1., F.S.

²⁰ Section 1009.23(3)(b)2., F.S.

Each FCS system institution board of trustees must establish tuition and out-of-state fees, which may vary no more than 10 percent below and 15 percent above the combined total of the standard tuition and fees.²¹

State University Student Fees

A student who enrolls in a college credit course at a state university is charged tuition and other fees, unless the student is eligible for an exemption or a waiver.²² The amount of resident undergraduate tuition per credit hour is established by the Legislature. Since July 1, 2014, the resident undergraduate tuition is \$105.07 per credit hour for lower-level and upper-level coursework at a state university.²³

The Board of Governors, or the board's designee, is authorized to establish tuition for graduate and professional programs, and out-of-state fees for all programs.²⁴ The sum of tuition and out-of-state fees assessed to nonresident students must be sufficient to offset the full instructional cost of serving such students.²⁵ However, adjustments to out-of-state fees or tuition for graduate programs and professional programs must not exceed 15 percent in a year.²⁶

III. Effect of Proposed Changes:

SB 938 addresses higher education access and affordability mechanisms by modifying requirements for instructional materials and tuition and fees. The bill also seeks to promote public awareness regarding higher education costs to assist students and their parents in making informed decisions.

Specifically, the bill:

- Requires the Board of Governors of the State University System of Florida (BOG) and the State Board of Education (SBE) to identify strategies and initiatives to maintain college affordability for all Floridians and annually report on the boards' college affordability efforts to the Governor, President of the Senate, and Speaker of the House of Representatives.
- Modifies current law²⁷ regarding a postsecondary educational institution's responsibility to post textbook information online by requiring each Florida College System (FCS) institution and state university to prominently post on the institution's website for course registration, a hyperlink to lists of required and recommended textbooks and instructional materials for at least 90 percent of the courses and course sections offered by the institution. The bill also changes the deadline for posting the textbook information online from at least 30 days before the first day of class for each term to at least 14 days before the first day of student registration for each term.
- Specifies modifications to postsecondary educational institutions' policies and procedures for instructional materials.

²¹ Section 1009.23(4), F.S.

²² Sections 1009.24(1)-(2), 1009.25, and 1009.26, F.S.

²³ Section 1009.24(4)(a), F.S.

²⁴ Section 1009.24(4)(b), F.S.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Section 1004.085(4), F.S.

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

Instructional Materials

Sales Tax Exemption

The bill exempts from sales tax, textbooks for use in FCS institutions, state universities, and independent colleges and universities that are eligible to participate in either the William L. Boyd, IV, Florida Resident Access Grant (FRAG) or the Access to Better Learning and Education (ABLE) Grant Program.

Florida levies a six percent sales and use tax on the sale or rental of most tangible personal property, admissions, rentals of transient accommodations, rental of commercial real estate, and a limited number of services. Chapter 212, F.S., contains statutory provisions authorizing the levy and collection of Florida's sales and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances. There are currently more than 200 exemptions.²⁸ Sales tax is added to the price of the taxable goods or service and collected from the purchaser at the time of sale.

In addition to the state tax, s. 212.055, F.S., authorizes counties to impose eight local discretionary sales surtaxes on all transactions occurring in the county subject to the state tax imposed on sales, use, services, rental, admissions, and other transactions by ch. 212, F.S., and on communications services as defined in ch. 202, F.S.²⁹ The discretionary sales surtax is based on the rate in the county where the taxable goods or services are sold, or delivered into, and is levied in addition to the state sales and use tax of six percent.

To obtain the sales tax exemption for textbooks, the bill requires students to show their student identification and applicable course syllabus.

Preeminent State Research University Institute for Online Learning

The bill excludes instructional materials, in addition to textbooks, from the tuition for an online degree program offered through a preeminent state research university's institute for online learning.

²⁸ See Office of Economic and Demographic Research, The Florida Legislature, Florida Tax Handbook (2014).

²⁹ The tax rates, duration of the surtax, method of imposition, and proceed uses are individually specified in s. 212.055, F.S. General limitations, administration, and collection procedures are set forth in s. 212.054, F.S.

Textbook Affordability

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

Additionally, the bill:

- Requires that the lists of required and recommended textbooks include new and used retail price and rental price, if applicable, for purchase at an institution's designated bookstore or other specified vendor. The lists must also include website or other contact information for the bookstore.
- Requires institutions that are unable to provide the specified information on textbooks within the specified timeframe (i.e., at least 14 days before the first day of student registration for each term) by the 2015 fall semester, to provide the required information to students at least 60 days before the first day of classes. The bill requires institutions to submit quarterly reports to the applicable board, the BOG or the SBE, to document institutions' efforts to comply with the specified requirements by 2016 fall semester.
- Specifies the minimum duration for using a textbook or instructional material with some exceptions. The bill requires textbook and instructional material for an undergraduate course to remain in use for a minimum of 3 years in that course, unless a less expensive textbook or instructional material becomes available or an exception is approved by the institution's president or designee. The bill requires that the exception be based on a determination that the new edition differs significantly from the earlier version of the textbook or instructional material. The institution's president or designee must annually report to the institution's board of trustees all exceptions that are granted and the reasons for granting such exceptions. The annual report must be published on the institution's website.
- Requires postsecondary institutions to consult with school districts regarding textbooks and instructional materials used for dual enrollment courses (e.g., the length of time that textbooks and instructional materials remain in use and the cost associated with digital materials).
- Requires regular cost-benefit analyses to help students receive the highest quality product at the lowest available price.
- Requires the policies, procedures, and guidelines that are adopted by the BOG and the SBE to include instructional materials in addition to textbooks; and requires state universities and FCS institutions to annually send to the BOG or SBE, as applicable, electronic copies of the institutional policies regarding textbooks and instructional materials, which must be available on the boards' websites.
- Requires each FCS institution and state university to annually report specified textbook and instructional material information to the Chancellor of the Florida College System or the Chancellor of the State University System, as applicable (e.g., cost of undergraduate textbooks and instructional materials by course and course section, textbook and instructional material selection process for high-enrollment courses as determined by the chancellors, and specific initiatives to reduce the cost of textbooks and instructional materials). The

chancellors must compile the information and report to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31 of each year.

Definitions

The bill defines a “textbook” as any required manual of instruction in any branch of study and “instructional materials” as educational materials, in either printed or digital format, for use within a course.

College Affordability

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

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

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

Tuition and Fees

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

The bill requires FCS institutions and state universities to notify students and the public about any institutional boards of trustees meeting regarding votes on proposed increases in tuition and fees. The notice must be posted on the institutions’ website homepage 30 days before the scheduled meeting of the institutions’ boards of trustees. Additionally, the notice must specify the date and time of the meeting, and clearly outline the tuition and fee details and the rationale for the proposed increase. The tuition and fee information may help students and their families plan for higher education at public postsecondary institutions within the state.

The bill takes effect July 1, 2015.

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

Senate Finance and Tax Committee staff estimates that SB 938 will result in a recurring reduction of state general revenue funds and local government revenue of \$33.9m and \$7.5m, respectively.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 212.08, 1001.7065, 1004.085, 1009.22, 1009.23, and 1009.24.

This bill creates section 1004.084 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.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
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The Committee on Higher Education (Benacquisto) recommended the following:

Senate Amendment (with title amendment)

Delete lines 103 - 427

and insert:

3. This exemption also applies to textbooks that are required or recommended for a course offered by a public postsecondary educational institution as defined in s. 1000.04 or a nonpublic postsecondary educational institution that is eligible to participate in the tuition assistance programs authorized by s. 1009.89 or s. 1009.891. As used in this



11 subparagraph, the term "textbooks" means any required or
12 recommended manual of instruction or instructional materials as
13 defined in s. 1004.085(1) in any branch of study. To obtain the
14 tax exemption, the student must provide either a physical or an
15 electronic copy of the following items to the vendor:

- 16 a. His or her student identification number; and
17 b. An applicable course syllabus or the list of required
18 and recommended textbooks and instructional materials provided
19 pursuant to s. 1004.085(4).

20
21 The vendor shall maintain documentation, as prescribed by
22 department rule, to identify complete transactions or portions
23 of a transaction involving the sale of postsecondary education
24 textbooks that are exempt from the tax imposed under this
25 chapter.

26 Section 2. (1) The executive director of the Department of
27 Revenue is authorized, and all conditions are deemed met, to
28 adopt emergency rules pursuant to ss. 120.536(1) and 120.54(4),
29 Florida Statutes, for the purpose of implementing the amendment
30 made by this act to s. 212.08(7), Florida Statutes.

31 (2) Notwithstanding any provision of law, emergency rules
32 adopted pursuant to subsection (1) shall remain in effect for 6
33 months after the date adopted and may be renewed during the
34 pendency of procedures to adopt permanent rules addressing the
35 subject of the emergency rules.

36 (3) This section expires July 1, 2018.

37 Section 3. Paragraph (k) of subsection (4) of section
38 1001.7065, Florida Statutes, is amended to read:

39 1001.7065 Preeminent state research universities program.-



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40 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
41 ONLINE LEARNING.—A state research university that, as of July 1,
42 2013, meets all 12 of the academic and research excellence
43 standards identified in subsection (2), as verified by the Board
44 of Governors, shall establish an institute for online learning.
45 The institute shall establish a robust offering of high-quality,
46 fully online baccalaureate degree programs at an affordable cost
47 in accordance with this subsection.

48 (k) The university shall establish a tuition structure for
49 its online institute in accordance with this paragraph,
50 notwithstanding any other provision of law.

51 1. For students classified as residents for tuition
52 purposes, tuition for an online baccalaureate degree program
53 shall be set at no more than 75 percent of the tuition rate as
54 specified in the General Appropriations Act pursuant to s.
55 1009.24(4) and 75 percent of the tuition differential pursuant
56 to s. 1009.24(16). No distance learning fee, fee for campus
57 facilities, or fee for on-campus services may be assessed,
58 except that online students shall pay the university's
59 technology fee, financial aid fee, and Capital Improvement Trust
60 Fund fee. The revenues generated from the Capital Improvement
61 Trust Fund fee shall be dedicated to the university's institute
62 for online learning.

63 2. For students classified as nonresidents for tuition
64 purposes, tuition may be set at market rates in accordance with
65 the business plan.

66 3. Tuition for an online degree program shall include all
67 costs associated with instruction, materials, and enrollment,
68 excluding costs associated with the provision of textbooks and



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69 instructional materials pursuant to s. 1004.085 and physical
70 laboratory supplies.

71 4. Subject to the limitations in subparagraph 1., tuition
72 may be differentiated by degree program as appropriate to the
73 instructional and other costs of the program in accordance with
74 the business plan. Pricing must incorporate innovative
75 approaches that incentivize persistence and completion,
76 including, but not limited to, a fee for assessment, a bundled
77 or all-inclusive rate, and sliding scale features.

78 5. The university must accept advance payment contracts and
79 student financial aid.

80 6. Fifty percent of the net revenues generated from the
81 online institute of the university shall be used to enhance and
82 enrich the online institute offerings, and 50 percent of the net
83 revenues generated from the online institute shall be used to
84 enhance and enrich the university's campus state-of-the-art
85 research programs and facilities.

86 7. The institute may charge additional local user fees
87 pursuant to s. 1009.24(14) upon the approval of the Board of
88 Governors.

89 8. The institute shall submit a proposal to the president
90 of the university authorizing additional user fees for the
91 provision of voluntary student participation in activities and
92 additional student services.

93 Section 4. Section 1004.084, Florida Statutes, is created
94 to read:

95 1004.084 College affordability.—The Board of Governors and
96 State Board of Education shall continue to identify strategies
97 and initiatives to further ensure college affordability for all



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98 Floridians.

99 (1) Specific strategies and initiatives to reduce the cost
100 of higher education must include, at a minimum, consideration of
101 the following:

102 (a) The impact of tuition and fee increases at state
103 colleges and universities, including graduate, professional,
104 medical, and law schools.

105 (b) The total cost of fees to a student and family at a
106 state university or a state college, including orientation fees.

107 (c) The cost of textbooks and instructional materials for
108 all students. The Board of Governors and State Board of
109 Education shall use the information provided pursuant to s.
110 1004.085(5) and (6) and consult with students, faculty,
111 bookstores, and publishers, to determine the best methods to
112 reduce costs and must, at a minimum, consider the following:

113 1. Any existing Florida College System or State University
114 System initiatives to reduce the cost of textbooks and
115 instructional materials.

116 2. Purchasing e-textbooks in bulk.

117 3. Expanding the use of open-access textbooks and
118 instructional materials.

119 4. The rental options for textbook and instructional
120 materials.

121 5. Increasing the availability and use of affordable
122 digital textbooks and learning objects for faculty and students.

123 6. Supporting efficient used book sales, buy-back sales,
124 and student-to-student sales.

125 7. Developing online portals at each institution to assist
126 students in buying, renting, selling, and sharing textbooks and



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127 instructional materials.

128 8. The feasibility of expanding and enhancing digital
129 access platforms that are used by campus stores to help students
130 acquire the correct and least expensive required course
131 materials.

132 9. The cost to school districts of instructional materials
133 for dual enrollment students.

134 (2) By December 31, 2015, and annually thereafter, the
135 Board of Governors and State Board of Education shall submit a
136 report on their respective college affordability efforts, which
137 must include recommendations, to the Governor, the President of
138 the Senate, and the Speaker of the House of Representatives.

139 Section 5. Section 1004.085, Florida Statutes, is amended
140 to read:

141 1004.085 Textbook and instructional materials
142 affordability.—

143 (1) As used in this section, the term "instructional
144 materials" means educational materials, in printed or digital
145 format, which are required or recommended for use within a
146 course.

147 (2)~~(1)~~ An ~~Ne~~ employee of a Florida College System
148 institution or a state university may not demand or receive any
149 payment, loan, subscription, advance, deposit of money, service,
150 or anything of value, present or promised, in exchange for
151 requiring students to purchase a specific textbook or
152 instructional material for coursework or instruction.

153 (3)~~(2)~~ An employee may receive:

154 (a) Sample copies, instructor copies, or instructional
155 materials. These materials may not be sold for any type of



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156 compensation if they are specifically marked as free samples not
157 for resale.

158 (b) Royalties or other compensation from sales of textbooks
159 or instructional materials that include the instructor's own
160 writing or work.

161 (c) Honoraria for academic peer review of course materials.

162 (d) Fees associated with activities such as reviewing,
163 critiquing, or preparing support materials for textbooks or
164 instructional materials pursuant to guidelines adopted by the
165 State Board of Education or the Board of Governors.

166 (e) Training in the use of course materials and learning
167 technologies.

168 ~~(4)-(3)~~ Each Florida College System institution institutions
169 and state university universities shall prominently post in the
170 course registration system and on its website on their websites,
171 as early as is feasible, but at least 14 not less than 30 days
172 before prior to the first day of student registration class for
173 each term, a hyperlink to lists list of each textbook required
174 and recommended textbooks and instructional materials for at
175 least 90 percent of the courses and course sections each course
176 offered at the institution during the upcoming term.

177 (a) These lists The posted list must include:

178 1. The International Standard Book Number (ISBN) for each
179 required and recommended textbook and instructional materials.

180 2. For a textbook or instructional materials for which an
181 ISBN is not available, textbook or other identifying
182 information, which must include, at a minimum, all of the
183 following: the title, all authors listed, publishers, edition
184 number, copyright date, published date, and other relevant



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185 information necessary to identify the specific textbook or
186 instructional materials ~~textbooks~~ required and recommended for
187 each course.

188 3. The new and used retail price and the rental price, if
189 applicable, for a required or recommended textbook or
190 instructional materials for purchase at the institution's
191 designated bookstore or other specified vendor, including the
192 website or other contact information for the bookstore.

193 (b) The State Board of Education and the Board of Governors
194 shall include in the policies, procedures, and guidelines
195 adopted under subsection (5) ~~(4)~~ certain limited exceptions to
196 this notification requirement for courses ~~classes~~ added after
197 the notification deadline.

198 (c) An institution that is unable to comply with this
199 subsection by the 2015 fall semester must provide the
200 information required by this subsection to students, in a format
201 determined by the institution, at least 60 days before the first
202 day of classes. The institution must also submit a quarterly
203 report to the State Board of Education or to the Board of
204 Governors, as applicable, documenting the institution's efforts
205 to comply with this subsection by the 2016 fall semester.

206 (5) ~~(4)~~ The State Board of Education and the Board of
207 Governors each shall adopt textbook and instructional materials
208 affordability policies, procedures, and guidelines for
209 implementation by Florida College System institutions and state
210 universities, respectively, which ~~that~~ further efforts to
211 minimize the cost of textbooks and instructional materials for
212 students attending such institutions, while maintaining the
213 quality of education and academic freedom. The policies,



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214 procedures, and guidelines must, at a minimum, require ~~shall~~
215 ~~provide for~~ the following:

216 (a) That textbook and instructional materials adoptions are
217 made with sufficient lead time to bookstores so as to confirm
218 availability of the requested materials and, if where possible,
219 ensure maximum availability of used textbooks and instructional
220 materials books.

221 (b) That, in the textbook and instructional material
222 adoption process, the intent to use all items ordered,
223 particularly each individual item sold as part of a bundled
224 package, is confirmed by the course instructor or the academic
225 department offering the course before the adoption is finalized.

226 (c) That a course instructor or the academic department
227 offering the course determine ~~determines~~, before a textbook or
228 instructional materials are ~~is~~ adopted, the extent to which a
229 new edition differs significantly and substantively from earlier
230 versions and the value to the student of changing to a new
231 edition or the extent to which an open-access textbook or
232 instructional materials may exist and be used.

233 (d) That a textbook or instructional materials for an
234 undergraduate course remain in use for a minimum of 3 years in
235 that course, unless a less costly textbook or instructional
236 materials becomes available or an exception is approved by the
237 institution's president or designee. An exception must be based
238 upon a determination that the new textbook or instructional
239 materials differs significantly and substantially from the
240 version in use and that there is value to the student in
241 changing to the new textbook or instructional materials. The
242 institution's president or designee shall annually report to the



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243 institution's board of trustees all exceptions granted,
244 including the rationale used to approve each exception. The
245 annual report shall be maintained on the institution's website.

246 (e)~~(d)~~ That the establishment of policies shall address the
247 availability of required and recommended textbooks and
248 instructional materials to students otherwise unable to afford
249 the cost, including consideration of the extent to which an
250 open-access textbook or instructional materials may be used.

251 (f)~~(e)~~ That course instructors and academic departments are
252 encouraged to participate in the development, adaptation, and
253 review of open-access textbooks and instructional materials and,
254 in particular, open-access textbooks and instructional materials
255 for high-demand general education courses.

256 (g) That postsecondary institutions consult with school
257 districts with which they have a dual enrollment articulation
258 agreement to identify practices that impact the cost to school
259 districts of dual enrollment textbooks and instructional
260 materials, including, but not limited to, the length of time
261 that textbooks and instructional materials remain in use and the
262 costs associated with digital materials.

263 (h) That cost-benefit analyses be conducted regularly in
264 comparing options to ensure that students receive the highest
265 quality product at the lowest available price.

266 (6) Each Florida College System institution and each state
267 university shall report annually to the Chancellor of the
268 Florida College System or the Chancellor of the State University
269 System, as applicable, the cost of undergraduate textbooks and
270 instructional materials, by course and course section; the
271 textbook and instructional materials selection process for high-



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272 enrollment courses as determined by the chancellors; specific
273 initiatives of the institution which reduce the cost of
274 textbooks and instructional materials; the number of courses and
275 course sections that were not able to meet the textbook and
276 instructional materials posting deadline; and additional
277 information as determined by the chancellors. Annually, by
278 December 31, the chancellors shall compile the institution
279 reports and submit a comprehensive report to the Governor, the
280 President of the Senate, and the Speaker of the House of
281 Representatives.

282 (7) Each Florida College System institution and state
283 university shall annually send the State Board of Education or
284 the Board of Governors, as applicable, electronic copies of its
285 current textbook and instructional materials affordability
286 policies and procedures. The State Board of Education and the
287 Board of Governors shall provide a link to this information on
288 their respective websites.

289 Section 6. Paragraph (d) of subsection (3) of section
290 1009.22, Florida Statutes, is amended to read:

291 1009.22 Workforce education postsecondary student fees.—

292 (3)

293 (d) Each district school board and each Florida College
294 System institution board of trustees may adopt tuition and out-
295 of-state fees that vary ~~no more than 5 percent~~ below or no more
296 than 5 percent above the combined total of the standard tuition
297 and out-of-state fees established in paragraph (c).

298 Section 7. Paragraph (b) of subsection (3) and subsection
299 (4) of section 1009.23, Florida Statutes, are amended, and
300 subsection (20) is added to that section, to read:



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301 1009.23 Florida College System institution student fees.-

302 (3)

303 (b) ~~Effective July 1, 2014,~~ For baccalaureate degree
304 programs, the following tuition and fee rates shall apply:

305 1. The tuition may not exceed ~~shall be~~ \$91.79 per credit
306 hour for students who are residents for tuition purposes.

307 2. The sum of the tuition and the ~~he~~ out-of-state fee per
308 credit hour for students who are nonresidents for tuition
309 purposes shall be no more than 85 percent of the sum of the
310 tuition and the out-of-state fee at the state university nearest
311 the Florida College System institution.

312 (4) Each Florida College System institution board of
313 trustees shall establish tuition and out-of-state fees, which
314 may vary ~~no more than 10 percent~~ below and no more than 15
315 percent above the combined total of the standard tuition and
316 fees established in subsection (3).

317 (20) Each Florida College System institution shall notice
318 to the public and to all enrolled students any board of trustees
319 meeting that votes on proposed increases in tuition or fees. The
320 noticed meeting must allow for public comment on the proposed
321 increase and must:

322 (a) Be posted 28 days before the board of trustees meeting
323 takes place.

324 (b) Include the date and time of the meeting.

325 (c) Be clear and specifically outline the details of the
326 original tuition or fee, the rationale for the proposed
327 increase, and what the proposed increase will fund.

328 (d) Be posted on the institution's website homepage and
329 issued in a press release.



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330 Section 8. Paragraphs (a) and (b) of subsection (4) of
331 section 1009.24, Florida Statutes, are amended, present
332 subsection (19) of that section is redesignated as subsection
333 (20), and a new subsection (19) is added to that section, to
334 read:

335 1009.24 State university student fees.—

336 (4) (a) ~~Effective July 1, 2014,~~ The resident undergraduate
337 tuition for lower-level and upper-level coursework may not
338 exceed ~~shall be~~ \$105.07 per credit hour.

339 (b) The Board of Governors, ~~or the board's designee,~~ may
340 establish tuition for graduate and professional programs, and
341 out-of-state fees for all programs. Except as otherwise provided
342 in this section, the sum of tuition and out-of-state fees
343 assessed to nonresident students must be sufficient to offset
344 the full instructional cost of serving such students. However,
345 adjustments to out-of-state fees or tuition for graduate
346 programs and professional programs may not exceed 15 percent in
347 any year. Adjustments to the resident tuition for graduate
348 programs and professional programs may not exceed the tuition
349 amount set on July 1, 2015.

350 (19) Each university shall publicly notice to the public
351 and to all enrolled students any board of trustees meeting that
352 votes on proposed increases in tuition or fees. The noticed
353 meeting must allow for public comment on the proposed increase
354 and must:

355 (a) Be posted 28 days before the board of trustees meeting
356 takes place.

357
358 ===== T I T L E A M E N D M E N T =====



359 And the title is amended as follows:

360 Delete lines 4 - 52

361 and insert:

362 textbooks required or recommended for a course offered
363 by a public or nonpublic postsecondary educational
364 institution from the tax imposed by ch. 212, F.S.;

365 authorizing the Department of Revenue to adopt
366 emergency rules; providing for expiration; amending s.
367 1001.7065, F.S.; conforming provisions to changes made
368 by the act; creating s. 1004.084, F.S.; requiring the
369 Board of Governors and the State Board of Education to
370 identify strategies and initiatives to reduce the cost
371 of higher education; requiring the Board of Governors
372 and the state board to annually submit a report to the
373 Governor and the Legislature; amending s. 1004.085,
374 F.S.; defining the term "instructional materials";
375 revising policies and procedures relating to
376 textbooks; requiring a public postsecondary
377 institution to post information relating to required
378 and recommended textbooks and instructional materials
379 and prices in its course registration system and on
380 its website; requiring the state board and the Board
381 of Governors to adopt textbook and instructional
382 materials affordability policies, procedures, and
383 guidelines; providing requirements for the use of
384 adopted undergraduate textbooks and instructional
385 materials; authorizing exceptions by an institution's
386 president or designee; requiring annual reporting of
387 textbook and instructional materials cost information



104094

388 and affordability policies and procedures to the
389 Chancellor of the Florida College System or the
390 Chancellor of the State University System; requiring
391 electronic copies of the affordability policies and
392 procedures be sent annually to the state board or the
393 Board of Governors; amending s. 1009.22, F.S.;

394 revising the amount tuition may vary for the combined
395 total of the standard tuition and out-of-state fees;
396 amending s. 1009.23, F.S.; prohibiting resident
397 tuition at a Florida College System institution from
398 exceeding a specified amount per credit hour; revising
399 the amount tuition may vary for the combined total of
400 the standard tuition and out-of-state fees; requiring
401 a Florida College System institution to publicly
402 notice meetings at which votes on proposed tuition or
403 fee increases are scheduled; amending s. 1009.24,
404 F.S.; prohibiting resident undergraduate tuition at a
405 state university from exceeding a specified amount per
406 credit hour; removing authority for a designee of the
407 Board of Governors to establish graduate and
408 professional tuition and out-of-state fees;
409 prohibiting graduate and professional program tuition
410 from exceeding a specified amount; requiring a state
411 university to publicly notice meetings at which votes
412 on proposed tuition or fee increases are scheduled;
413 providing an



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
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The Committee on Higher Education (Negron) recommended the following:

1 **Senate Amendment to Amendment (104094) (with title**
2 **amendment)**

3
4 Delete lines 233 - 245.

5
6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 Delete lines 385 - 386

9 and insert:

10 materials; requiring annual reporting of

By Senator Flores

37-00784B-15

2015938__

1 A bill to be entitled
2 An act relating to postsecondary education
3 affordability; amending s. 212.08, F.S.; exempting
4 textbooks required for a course offered by a public or
5 nonpublic postsecondary educational institution from
6 the sales and use tax; amending s. 1001.7065, F.S.;
7 conforming provisions to changes made by the act;
8 creating s. 1004.084, F.S.; requiring the Board of
9 Governors and the State Board of Education to identify
10 strategies and initiatives to reduce the cost of
11 higher education; requiring a report to the Governor,
12 the President of the Senate, and the Speaker of the
13 House of Representatives by a certain date; amending
14 s. 1004.085, F.S.; defining the term "instructional
15 materials"; revising textbook policies and procedures
16 to include instructional materials; requiring a public
17 postsecondary institution to post in its course
18 registration system and on its website information
19 relating to required and recommended textbooks and
20 instructional materials and prices; requiring the
21 State Board of Education and the Board of Governors to
22 adopt textbook and instructional materials
23 affordability policies, procedures, and guidelines;
24 providing requirements for the use of adopted
25 undergraduate textbooks and instructional materials;
26 authorizing exceptions by an institution's president
27 or designee; requiring annual reporting of textbook
28 and instructional materials cost information and
29 affordability policies and procedures to the

37-00784B-15

2015938__

30 Chancellor of the Florida College System or the
31 Chancellor of the State University System; requiring
32 electronic copies of the affordability policies and
33 procedures be sent annually to the State Board of
34 Education or the Board of Governors; amending s.
35 1009.22, F.S.; revising the amount tuition may vary
36 for the combined total of the standard tuition and
37 out-of-state fees; amending s. 1009.23, F.S.;

38 prohibiting resident tuition at a Florida College
39 System institution from exceeding a specified amount
40 per credit hour; revising the amount tuition may vary
41 for the combined total of the standard tuition and
42 out-of-state fees; requiring colleges to publicly
43 notice meetings regarding proposed tuition or fee
44 increases; amending s. 1009.24, F.S.; prohibiting
45 resident undergraduate tuition at a state university
46 from exceeding a specified amount per credit hour;
47 removing a Board of Governors designee's permission to
48 establish graduate and professional tuition;
49 prohibiting graduate and professional program tuition
50 from exceeding a specified amount; requiring
51 universities to publicly notice meetings regarding
52 proposed tuition or fee increases; providing an
53 effective date.

54
55 Be It Enacted by the Legislature of the State of Florida:

56
57 Section 1. Paragraph (r) of subsection (7) of section
58 212.08, Florida Statutes, is amended to read:

37-00784B-15

2015938__

59 212.08 Sales, rental, use, consumption, distribution, and
60 storage tax; specified exemptions.—The sale at retail, the
61 rental, the use, the consumption, the distribution, and the
62 storage to be used or consumed in this state of the following
63 are hereby specifically exempt from the tax imposed by this
64 chapter.

65 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
66 entity by this chapter do not inure to any transaction that is
67 otherwise taxable under this chapter when payment is made by a
68 representative or employee of the entity by any means,
69 including, but not limited to, cash, check, or credit card, even
70 when that representative or employee is subsequently reimbursed
71 by the entity. In addition, exemptions provided to any entity by
72 this subsection do not inure to any transaction that is
73 otherwise taxable under this chapter unless the entity has
74 obtained a sales tax exemption certificate from the department
75 or the entity obtains or provides other documentation as
76 required by the department. Eligible purchases or leases made
77 with such a certificate must be in strict compliance with this
78 subsection and departmental rules, and any person who makes an
79 exempt purchase with a certificate that is not in strict
80 compliance with this subsection and the rules is liable for and
81 shall pay the tax. The department may adopt rules to administer
82 this subsection.

83 (r) *School books and school lunches; institution of higher*
84 *learning prepaid meal plans; postsecondary education textbooks.*—

85 1. This exemption applies to school books used in regularly
86 prescribed courses of study, and to school lunches served in
87 public, parochial, or nonprofit schools operated for and

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88 attended by pupils of grades K through 12. Yearbooks, magazines,
89 newspapers, directories, bulletins, and similar publications
90 distributed by such educational institutions to their students
91 are also exempt.

92 2. ~~School books and~~ Food sold or served at community
93 colleges and other institutions of higher learning ~~is~~ ~~are~~
94 taxable, except that prepaid meal plans purchased from a college
95 or other institution of higher learning by students currently
96 enrolled at that college or other institution of higher learning
97 are exempt. As used in this ~~subparagraph, the term~~ ~~paragraph,~~
98 "prepaid meal plans" means payment in advance to a college or
99 institution of higher learning for the provision of a defined
100 quantity of units that must expire at the end of an academic
101 term, cannot be refunded to the student upon expiration, and
102 which may only be exchanged for food.

103 3. This exemption also applies to textbooks required for a
104 course offered by a public postsecondary educational institution
105 as defined in s. 1000.04 or a nonpublic postsecondary
106 educational institution that is eligible to participate in the
107 tuition assistance programs authorized by s. 1009.89 or s.
108 1009.891. As used in this subparagraph, the term "textbooks"
109 means any required manual of instruction in any branch of study.
110 To obtain the tax exemption, the student must show his or her
111 student identification and applicable course syllabus.

112 Section 2. Paragraph (k) of subsection (4) of section
113 1001.7065, Florida Statutes, is amended to read:

114 1001.7065 Preeminent state research universities program.-

115 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
116 ONLINE LEARNING.-A state research university that, as of July 1,

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2015938__

117 2013, meets all 12 of the academic and research excellence
118 standards identified in subsection (2), as verified by the Board
119 of Governors, shall establish an institute for online learning.
120 The institute shall establish a robust offering of high-quality,
121 fully online baccalaureate degree programs at an affordable cost
122 in accordance with this subsection.

123 (k) The university shall establish a tuition structure for
124 its online institute in accordance with this paragraph,
125 notwithstanding any other provision of law.

126 1. For students classified as residents for tuition
127 purposes, tuition for an online baccalaureate degree program
128 shall be set at no more than 75 percent of the tuition rate as
129 specified in the General Appropriations Act pursuant to s.
130 1009.24(4) and 75 percent of the tuition differential pursuant
131 to s. 1009.24(16). No distance learning fee, fee for campus
132 facilities, or fee for on-campus services may be assessed,
133 except that online students shall pay the university's
134 technology fee, financial aid fee, and Capital Improvement Trust
135 Fund fee. The revenues generated from the Capital Improvement
136 Trust Fund fee shall be dedicated to the university's institute
137 for online learning.

138 2. For students classified as nonresidents for tuition
139 purposes, tuition may be set at market rates in accordance with
140 the business plan.

141 3. Tuition for an online degree program shall include all
142 costs associated with instruction, materials, and enrollment,
143 excluding costs associated with the provision of textbooks and
144 instructional materials pursuant to s. 1004.085 and physical
145 laboratory supplies.

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146 4. Subject to the limitations in subparagraph 1., tuition
147 may be differentiated by degree program as appropriate to the
148 instructional and other costs of the program in accordance with
149 the business plan. Pricing must incorporate innovative
150 approaches that incentivize persistence and completion,
151 including, but not limited to, a fee for assessment, a bundled
152 or all-inclusive rate, and sliding scale features.

153 5. The university must accept advance payment contracts and
154 student financial aid.

155 6. Fifty percent of the net revenues generated from the
156 online institute of the university shall be used to enhance and
157 enrich the online institute offerings, and 50 percent of the net
158 revenues generated from the online institute shall be used to
159 enhance and enrich the university's campus state-of-the-art
160 research programs and facilities.

161 7. The institute may charge additional local user fees
162 pursuant to s. 1009.24(14) upon the approval of the Board of
163 Governors.

164 8. The institute shall submit a proposal to the president
165 of the university authorizing additional user fees for the
166 provision of voluntary student participation in activities and
167 additional student services.

168 Section 3. Section 1004.084, Florida Statutes, is created
169 to read:

170 1004.084 College affordability.—The Board of Governors and
171 State Board of Education shall continue to identify strategies
172 and initiatives to further ensure college affordability for all
173 Floridians.

174 (1) Specific strategies and initiatives to reduce the cost

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175 of higher education must include, at a minimum, consideration of
176 the following:

177 (a) The impact of tuition and fee increases at state
178 colleges and universities, including graduate, professional,
179 medical, and law schools.

180 (b) The total cost of fees to a student and family at a
181 state university and a state college, including orientation
182 fees.

183 (c) The cost of textbooks and instructional materials for
184 all students. The Board of Governors and State Board of
185 Education shall use the information provided pursuant to s.
186 1004.085 (5) and (6) to determine the best methods to reduce
187 costs and must, at a minimum, consider the following:

188 1. Any existing Florida College System or State University
189 System initiatives to reduce the cost of textbooks and
190 instructional materials.

191 2. Purchasing e-textbooks in bulk.

192 3. Expanding the use of open-access textbooks and
193 instructional materials.

194 4. The rental options for textbook and instructional
195 materials.

196 5. Increasing the availability and use of affordable
197 digital textbooks and learning objects for faculty and students.

198 6. Supporting efficient used book sales, buy-back sales,
199 and student-to-student sales.

200 7. Developing online portals at each institution to assist
201 students in buying, renting, selling, and sharing textbooks and
202 instructional materials.

203 8. The feasibility of expanding and enhancing digital

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204 access platforms that are used by campus stores to help students
205 acquire the correct and least expensive required course
206 materials.

207 9. The cost of instructional materials for dual enrollment
208 students to school districts.

209 (2) By December 31, 2015, and annually thereafter, the
210 Board of Governors and State Board of Education shall submit a
211 report on their respective college affordability efforts, which
212 must include recommendations, to the Governor, the President of
213 the Senate, and the Speaker of the House of Representatives.

214 Section 4. Section 1004.085, Florida Statutes, is amended
215 to read:

216 1004.085 Textbook and instructional materials
217 affordability.-

218 (1) As used in this section, the term "instructional
219 materials" means educational materials, in printed or digital
220 format, for use within a course.

221 (2)~~(1)~~ An ~~no~~ employee of a Florida College System
222 institution or a state university may not demand or receive any
223 payment, loan, subscription, advance, deposit of money, service,
224 or anything of value, present or promised, in exchange for
225 requiring students to purchase a specific textbook or
226 instructional material for coursework or instruction.

227 (3)~~(2)~~ An employee may receive:

228 (a) Sample copies, instructor copies, or instructional
229 materials. These materials may not be sold for any type of
230 compensation if they are specifically marked as free samples not
231 for resale.

232 (b) Royalties or other compensation from sales of textbooks

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233 or instructional materials that include the instructor's own
234 writing or work.

235 (c) Honoraria for academic peer review of course materials.

236 (d) Fees associated with activities such as reviewing,
237 critiquing, or preparing support materials for textbooks or
238 instructional materials pursuant to guidelines adopted by the
239 State Board of Education or the Board of Governors.

240 (e) Training in the use of course materials and learning
241 technologies.

242 (4)(3) Each Florida College System institution institutions
243 and state university universities shall prominently post in the
244 course registration system and on its website ~~on their websites,~~
245 as early as is feasible, but at least 14 ~~not less than 30~~ days
246 before ~~prior to~~ the first day of student registration ~~class~~ for
247 each term, a hyperlink to lists ~~list~~ of ~~each textbook~~ required
248 and recommended textbooks and instructional materials for at
249 least 90 percent of the courses and course sections ~~each course~~
250 offered at the institution during the upcoming term.

251 (a) These lists ~~The posted list~~ must include:

252 1. The International Standard Book Number (ISBN) for each
253 required and recommended textbook and instructional material.

254 2. For a textbook or instructional material for which an
255 ISBN is not available, ~~textbook or~~ other identifying
256 information, which must include, at a minimum, all of the
257 following: the title, all authors listed, publishers, edition
258 number, copyright date, published date, and other relevant
259 information necessary to identify the specific textbook or
260 instructional material ~~textbooks~~ required and recommended for
261 each course.

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262 3. The new and used retail price and the rental price, if
263 applicable, for a required and recommended textbook or
264 instructional material for purchase at the institution's
265 designated bookstore or other specified vendor, including the
266 website or other contact information for the bookstore.

267 (b) The State Board of Education and the Board of Governors
268 shall include in the policies, procedures, and guidelines
269 adopted under subsection (5) ~~(4)~~ certain limited exceptions to
270 this notification requirement for courses ~~classes~~ added after
271 the notification deadline.

272 (c) An institution that is unable to comply with this
273 subsection by the 2015 fall semester must provide the
274 information required by this subsection to students, in a format
275 determined by the institution, at least 60 days before the first
276 day of classes. The institution must also submit a quarterly
277 report to the State Board of Education or to the Board of
278 Governors, as applicable, documenting the institution's efforts
279 to comply with this subsection by the 2016 fall semester.

280 (5) ~~(4)~~ The State Board of Education and the Board of
281 Governors each shall adopt textbook and instructional materials
282 affordability policies, procedures, and guidelines for
283 implementation by Florida College System institutions and state
284 universities, respectively, which ~~that~~ further efforts to
285 minimize the cost of textbooks and instructional materials for
286 students attending such institutions, while maintaining the
287 quality of education and academic freedom. The policies,
288 procedures, and guidelines must, at a minimum, require ~~shall~~
289 ~~provide for~~ the following:

290 (a) That textbook and instructional material adoptions are

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291 made with sufficient lead time to bookstores so as to confirm
292 availability of the requested materials and, if where possible,
293 ensure maximum availability of used textbooks and instructional
294 materials ~~books~~.

295 (b) That, in the textbook and instructional material
296 adoption process, the intent to use all items ordered,
297 particularly each individual item sold as part of a bundled
298 package, is confirmed by the course instructor or the academic
299 department offering the course before the adoption is finalized.

300 (c) That a course instructor or the academic department
301 offering the course determine ~~determines~~, before a textbook or
302 instructional material is adopted, the extent to which a new
303 edition differs significantly and substantively from earlier
304 versions and the value to the student of changing to a new
305 edition or the extent to which an open-access textbook or
306 instructional material may exist and be used.

307 (d) That a textbook or instructional material for an
308 undergraduate course remain in use for a minimum of 3 years in
309 that course, unless a less costly textbook or instructional
310 material becomes available or an exception is approved by the
311 institution's president or designee. An exception must be based
312 upon a determination that the new edition differs significantly
313 and substantially from earlier versions and that there is value
314 to the student in changing to the new edition. The institution's
315 president or designee shall annually report to the institution's
316 board of trustees all exceptions granted, including the
317 rationale used to approve each exception. The annual report
318 shall be maintained on the institution's website.

319 (e) ~~(d)~~ That the establishment of policies shall address the

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320 availability of required and recommended textbooks and
321 instructional materials to students otherwise unable to afford
322 the cost, including consideration of the extent to which an
323 open-access textbook or instructional material may be used.

324 (f) ~~(e)~~ That course instructors and academic departments are
325 encouraged to participate in the development, adaptation, and
326 review of open-access textbooks and instructional materials and,
327 in particular, open-access textbooks and instructional materials
328 for high-demand general education courses.

329 (g) That postsecondary institutions consult with school
330 districts with which they have a dual enrollment articulation
331 agreement to identify practices that impact the cost to school
332 districts of dual enrollment textbooks and instructional
333 materials, including, but not limited to, the length of time
334 that textbooks and instructional materials remain in use and the
335 costs associated with digital materials.

336 (h) That cost-benefit analyses be conducted regularly in
337 comparing options to ensure that students receive the highest
338 quality product at the lowest available price.

339 (6) Each Florida College System institution and state
340 university shall report annually to the Chancellor of the
341 Florida College System or the Chancellor of the State University
342 System, as applicable, the cost of undergraduate textbooks and
343 instructional materials, by course and course section; the
344 textbook and instructional material selection process for high-
345 enrollment courses as determined by the chancellors; specific
346 initiatives of the institution which reduce the cost of
347 textbooks and instructional materials; the number of courses and
348 course sections that were not able to meet the textbook and

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349 instructional materials posting deadline; and additional
350 information as determined by the chancellors. Annually, by
351 December 31, the chancellors shall compile the institution
352 reports and submit a comprehensive report to the Governor, the
353 President of the Senate, and the Speaker of the House of
354 Representatives.

355 (7) Each Florida College System institution and state
356 university shall annually send the State Board of Education or
357 the Board of Governors, as applicable, electronic copies of its
358 current textbook and instructional materials affordability
359 policies and procedures. The State Board of Education and the
360 Board of Governors shall provide a link to this information on
361 their respective websites.

362 Section 5. Paragraph (d) of subsection (3) of section
363 1009.22, Florida Statutes, is amended to read:

364 1009.22 Workforce education postsecondary student fees.—
365 (3)

366 (d) Each district school board and each Florida College
367 System institution board of trustees may adopt tuition and out-
368 of-state fees that vary ~~no more than 5 percent~~ below or no more
369 than 5 percent above the combined total of the standard tuition
370 and out-of-state fees established in paragraph (c).

371 Section 6. Paragraph (b) of subsection (3) and subsection
372 (4) of section 1009.23, Florida Statutes, are amended, and
373 subsection (20) is added to that section, to read:

374 1009.23 Florida College System institution student fees.—
375 (3)

376 (b) ~~Effective July 1, 2014,~~ For baccalaureate degree
377 programs, the following tuition and fee rates shall apply:

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378 1. The tuition may not exceed ~~shall be~~ \$91.79 per credit
379 hour for students who are residents for tuition purposes.

380 2. The sum of the tuition and the ~~he~~ out-of-state fee per
381 credit hour for students who are nonresidents for tuition
382 purposes shall be no more than 85 percent of the sum of the
383 tuition and the out-of-state fee at the state university nearest
384 the Florida College System institution.

385 (4) Each Florida College System institution board of
386 trustees shall establish tuition and out-of-state fees, which
387 may vary ~~no more than 10 percent~~ below and no more than 15
388 percent above the combined total of the standard tuition and
389 fees established in subsection (3).

390 (20) Each Florida College System institution shall notice
391 to the public and to all enrolled students any board of trustees
392 meeting that discusses or votes on proposed increases in tuition
393 or fees. The notice must:

394 (a) Be posted 30 days before the board of trustees meeting
395 takes place.

396 (b) Include the date and time of the meeting.

397 (c) Be clear and specifically outline the details of the
398 original tuition or fee, the rationale for the proposed
399 increase, and what the proposed increase will fund.

400 (d) Be posted on the institution's website homepage and
401 issued in a press release.

402 Section 7. Paragraphs (a) and (b) of subsection (4) of
403 section 1009.24, Florida Statutes, are amended, present
404 subsection (19) of that section is redesignated as subsection
405 (20), and a new subsection (19) is added to that section, to
406 read:

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407 1009.24 State university student fees.-

408 (4) (a) ~~Effective July 1, 2014,~~ The resident undergraduate
409 tuition for lower-level and upper-level coursework may not
410 exceed ~~shall be~~ \$105.07 per credit hour.

411 (b) The Board of Governors, ~~or the board's designee,~~ may
412 establish tuition for graduate and professional programs, and
413 out-of-state fees for all programs. Except as otherwise provided
414 in this section, the sum of tuition and out-of-state fees
415 assessed to nonresident students must be sufficient to offset
416 the full instructional cost of serving such students. However,
417 adjustments to out-of-state fees or tuition for graduate
418 programs and professional programs may not exceed 15 percent in
419 any year. Adjustments to the resident tuition for graduate
420 programs and professional programs may not exceed the tuition
421 amount set on July 1, 2015.

422 (19) Each university shall publicly notice to the public
423 and to all enrolled students any board of trustees meeting that
424 discusses or votes on proposed increases in tuition or fees. The
425 notice must:

426 (a) Be posted 30 days before the board of trustees meeting
427 takes place.

428 (b) Include the date and time of the meeting.

429 (c) Be clear and specifically outline the details of the
430 original tuition or fee, the rationale for the proposed
431 increase, and what the proposed increase will fund.

432 (d) Be posted on the institution's website homepage and
433 issued in a press release.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-23-15

Meeting Date

SB 938

Bill Number (if applicable)

Topic College Affordability

Amendment Barcode (if applicable)

Name Ashley Spicola

Job Title Education Policy Coordinator

Address The Capitol

Phone 850-717-9507

Street

Tallahassee

FL

32399

Email ashley.spicola@laspbs.state.fl.us

City

State

Zip

Speaking: For Against Information

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

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 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-23-15

Meeting Date

938

Bill Number (if applicable)

Topic Textbook Affordability

Amendment Barcode (if applicable)

Name Marshall Ogletree

Job Title Interim Executive Director

Address 306 E. Park Avenue

Phone (850) 224-9220

Street

Tallahassee FL 32301

City

State

Zip

Email marshall.ogletree@floridaeo.org

Speaking: For Against Information

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

Representing United Faculty of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

II. Present Situation:

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

Complete Florida Plus Program

In 2012, the Legislature created the Complete Florida Plus Program¹ at the University of West Florida (UWF) for the purpose of:²

- Facilitating degree completion for the state's adult learners through the Complete Florida Degree Initiative.
- Providing information relating to and access to distance learning courses and degree programs offered by public postsecondary education institutions.
- Coordinating with the Florida College System (FCS) and the State University System (SUS) to identify and provide online academic support services and resources when the multi-institutional provision of such services and resources is more cost effective or operationally effective.
- Administering the Florida Academic Library Services Cooperative³ (Cooperative) and consulting with the chancellors of the FCS and the SUS regarding the Cooperative.

The UWF must submit annual reports to the President of the Senate and the Speaker of the House of Representatives relating to the implementation and operation of the components of the Complete Florida Plus Program and the Cooperative.⁴

Complete Florida Degree Initiative

In 2014, the Legislature established the Complete Florida Degree Initiative (Initiative) within the Complete Florida Plus Program for the purpose of recruiting, recovering, and retaining the state's adult learners⁵ and assisting them in completing an associate degree or a baccalaureate degree aligned to the state's high-wage, high-skill workforce needs.⁶ The Initiative coordinates with FCS institutions, state universities, and private postsecondary institutions and partners with public and private job recruitment and placement agencies to identify associate, applied baccalaureate, and baccalaureate degree programs that meet the state's workforce needs.⁷

¹ The program was formerly established as the Degree Completion Pilot Project pursuant to s. 15, ch. 2012-34, L.O.F.

² Section 1006.735(1), F.S.

³ Section 1006.73, F.S. The cooperative provides a single library automation system and associated resources and services for public postsecondary institutions to use to support learning, teaching, and research needs. *Id.* at (1).

⁴ Sections 1006.73(4) and 1006.735(5), F.S.

⁵ Section 1006.735(2), F.S. Adult learners who are veterans or active duty members of the United States Armed Forces are given priority. *Id.* An "adult learner" is defined as "a student who has successfully completed college-level coursework in multiple semesters but has left an institution in good standing before completing his or her degree." *Id.*

⁶ Section 1006.735(2), F.S.; *see also*, s. 16, ch. 2014-56, L.O.F.

⁷ Section 1006.735(2)(a), F.S.

Specifically, the Initiative must:⁸

- Give priority to degree programs using labor market data and projections, including data and projections included in the Board of Governor's gap analysis,⁹ to identify the specific workforce needs and targeted occupations of the state.
- Provide adult learners with a single point of access to information and links to innovative online and accelerated distance learning courses, student and library support services, and electronic resources that will aid them in completing a postsecondary degree.
- Use existing or develop new competency-based instructional and evaluation tools to assess prior performance, experience, and education to award college credit and reduce the time required for adults to complete degrees.
- Develop and implement an evaluation process to collect and analyze appropriate data to report the effectiveness of the Initiative to the chancellors of the FCS and the SUS, the participating postsecondary education institutions, the chairs of the legislative appropriations committees, and the Executive Office of the Governor.
- Develop and implement a statewide student recruitment campaign targeted toward adult learners, particularly veterans and active duty members of the United States Armed Forces, for enrollment in degree programs offered through the Initiative.

Access to Resources & Support

Statewide Internet-Based Catalog of Distance Learning Courses

The Complete Florida Plus Program manages a statewide Internet-based catalog of distance learning courses, degree programs, and resources offered by public postsecondary education institutions to facilitate the institutions' efforts in developing a statewide articulation system that allows students to rapidly proceed toward their educational objectives and transfer between institutions.¹⁰ Participating institutions must provide specific information regarding the distance learning courses and degree programs (*e.g.*, course numbers, availability, and costs).¹¹

The Complete Florida Plus Program must establish operational procedures for the catalog and must review and frequently ensure that distance learning courses and degree programs comply with the operational procedures. The operational procedures must include:¹²

- Courses and degree programs that meet applicable accreditation standards and criteria.
- User-friendly search and retrieval options for finding courses in a variety of ways.
- An Internet-based analytic tool that analyzes and collects data relating to catalog use and requests.

⁸ Section 1006.735(2), F.S.

⁹ Section 1001.706(5), F.S.

¹⁰ Section 1006.735(3), F.S.; *see also*, s. 1007.01, F.S.

¹¹ Section 1006.735(3), F.S.

¹² *Id.*

Statewide Online Student Advising Services & Support

The Complete Florida Plus Program must make available statewide online services and support in coordination with FCS institutions and state universities which include:¹³

- A streamlined online admissions application process for undergraduate transient students who enroll in courses offered by public postsecondary education institutions that are not the students' degree-granting institution.
- A K-20 statewide computer-assisted student advising system that supports K-12 career and education planning and the advisement, registration, and certification of postsecondary students for graduation, including a degree audit and an articulation component.

III. Effect of Proposed Changes:

SB 942 establishes the Rapid Response Education and Training Program within the Complete Florida Plus Program at the University of West Florida to recruit and retain employees through industry-specific education and training. Also, the bill requires that the Complete Florida Plus Program work directly with Enterprise Florida, Inc., in project-specific industry recruitment and retention efforts to offer credible education and training commitments to businesses.

The Complete Florida Plus Program and Complete Florida Degree Initiative currently assist in recruiting, recovering, and retaining individuals to meet the state's high-wage, high-skill workforce needs. The bill expands the Complete Florida Plus Program and further serves its purpose to include targeted education and training programs for industries and businesses in the state.

Specifically, the bill requires that the Rapid Response Education and Training Program:

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

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

The award of matching grants to public and private education and training providers and partnerships with businesses may assist individuals in retaining and securing employment.

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

¹³ *Id.* at (4).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends section 1006.735 of the Florida Statutes.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Gaetz

1-00787A-15

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1 A bill to be entitled
2 An act relating to a Rapid Response Education and
3 Training Program; amending s. 1006.735, F.S.;
4 establishing the Rapid Response Education and Training
5 Program within the Complete Florida Plus Program;
6 requiring the Complete Florida Plus Program to work
7 with Enterprise Florida, Inc., to offer certain
8 education and training commitments to businesses;
9 specifying the duties of the program; requiring
10 reports to the Legislature; requiring the Division of
11 Career and Adult Education within the Department of
12 Education to conduct an analysis and assessment of the
13 effectiveness of the education and training programs;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Present subsections (5) and (6) of section
19 1006.735, Florida Statutes, are redesignated as subsections (6)
20 and (7), respectively, and a new subsection (5) is added to that
21 section, to read:

22 1006.735 Complete Florida Plus Program.—The Complete
23 Florida Plus Program is created at the University of West
24 Florida.

25 (5) RAPID RESPONSE EDUCATION AND TRAINING PROGRAM.—The
26 Rapid Response Education and Training Program is established
27 within the Complete Florida Plus Program. Under this education
28 and training program, the Complete Florida Plus Program shall
29 work directly with Enterprise Florida, Inc., in project-specific

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30 industry recruitment and retention efforts to offer credible
31 education and training commitments to businesses.

32 (a) The Rapid Response Education and Training Program must:

33 1. Issue challenge grants through requests for proposals
34 that are open to all education and training providers, public or
35 private. These grants match state dollars with education and
36 training provider dollars to implement particular education and
37 training programs.

38 2. Generate periodic reports from an independent forensic
39 accounting or auditing entity to ensure transparency of the
40 program. These periodic reports must be submitted to the
41 President of the Senate and the Speaker of the House of
42 Representatives.

43 3. Keep administrative costs to a minimum through the use
44 of existing organizational structures.

45 4. Work directly with businesses to recruit individuals for
46 education and training.

47 5. Be able to terminate an education and training program
48 by giving 30 days' notice.

49 6. Survey employers after completion of an education and
50 training program to ascertain the effectiveness of the program.

51 (b) The Division of Career and Adult Education within the
52 Department of Education shall conduct an analysis and assessment
53 of the effectiveness of the education and training programs
54 under this section in meeting labor market and occupational
55 trends and gaps.

56 Section 2. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Higher Education

BILL: SB 948

INTRODUCER: Senator Gaetz

SUBJECT: Career Education and Job Training

DATE: March 20, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	HE	Pre-meeting
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

I. Summary:

SB 948 updates terminology and revises criteria relating to apprenticeships, modifies career and professional education (CAPE) funding, and creates the Rapid Response Education and Training Program.

Apprenticeships

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

CAPE Funding

The bill revises the tiers for calculating additional full-time equivalent student membership based on completion of a career-themed course, enrollment in a CAPE academy, and attainment of an industry certification.

Rapid Response Education and Training Program

The bill creates the Rapid Response Education and Training Program (Program) within the Complete Florida Plus Program to work with Enterprise Florida, Inc., to recruit and retain employees through industry-specific education and training. Additionally, the bill specifies the responsibilities of the Program and requires the Department of Education (DOE) to evaluate and report on the effectiveness of the Program.

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

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

II. Present Situation:

Apprenticeship Programs

Registered Apprenticeship (RA) “connects job seekers looking to learn new skills with employers looking for qualified workers, resulting in a workforce with industry-driven training and employers with a competitive edge.”¹

Federal Program Requirements

The United States Congress enacted the National Apprenticeship Act (also known as the Fitzgerald Act in honor of its author, Congressman William J. Fitzgerald)² in 1937.³ Following the passage of the act, RA programs consisted mainly of manufacturing, construction, and utilities industries.⁴ Since 1937, RA programs have grown to 24,000 programs providing education and training to approximately 400,000 apprentices in emerging and high-growth sectors such as energy conservation, health care, and information technology, in addition to traditional industries such as manufacturing and construction.⁵ “As the need for skilled workers increases and our economy faces greater global competition, RA continues to be a competitive advantage for all parties—individuals, businesses, labor management organizations, education, the workforce investment system and government. For these reasons, [the Employment and Training Administration, U.S. Department of Labor] issued revised regulations that increase program flexibility to better serve the needs of today’s apprentices and program sponsors.”⁶

For apprentices and program sponsors, the regulations:⁷

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

For State Apprenticeship Agencies (SSAs), the regulations:⁸

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

¹ U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

² U.S. Department of Labor, *Workforce System Results* (Sep. 30, 2012), available at <http://www.doleta.gov/Farmworker/pdf/workforceSystemResultsSept2012.pdf>, at 4 of 38.

³ U.S. Department of Labor, *Registered Apprenticeship*, <http://www.doleta.gov/oa/history.cfm> (last visited March 2, 2015); see 29 U.S.C., s. 50.

⁴ U.S. Department of Labor, *Registered Apprenticeship*, <http://www.doleta.gov/oa/history.cfm> (last visited March 2, 2015).

⁵ *Id.*

⁶ *Id.* “These revised regulations published, on October 29, 2008, update Title 29 CFR, part 29 and provide a framework that supports an enhanced, modernized apprenticeship system.” U.S. Department of Labor, *Regulations*, <http://www.doleta.gov/oa/regulations.cfm> (last visited March 2, 2015).

⁷ U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf, at 1-2 of 4.

⁸ U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf, at 2-3 of 4.

- Increase flexibility for location of an SSA.

For the U.S. Department of Labor, the regulations:⁹

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

Registered apprenticeship program sponsors (i.e., employers, employer associations, and labor management organizations)¹⁰ identify the minimum qualifications to apply into their apprenticeship program.¹¹ An individual must be at least 16 years of age to be an apprentice.¹² In hazardous occupations, individuals must usually be 18 years of age.¹³ Program sponsors may also identify additional minimum qualifications and credentials to apply (e.g., education, ability to physically perform the essential functions of the occupation, and proof of age). All applicants are required to meet the minimum qualifications. Based on the selection method utilized by the sponsor, additional qualification standards, such as fair aptitude tests and interviews, school grades, and previous work experience may be identified.¹⁴

Apprenticeship programs range from 1 year to 6 years, but the majority are 4 years in length.¹⁵ During the program, the apprentice receives both structured, on-the-job learning (OJL) and related classroom instruction (RTI).¹⁶ For each year of the apprenticeship, the apprentice typically receives 2,000 hours of on-the-job training and a recommended minimum of 144 hours of related classroom instruction.¹⁷

State Law

Florida law provides educational and training opportunities, in the form of apprenticeship and preapprenticeship programs, to prepare individuals in the state for trades, occupations, and professions suited to their abilities.¹⁸

An apprenticeship program means “an organized course of instruction, registered and approved by the department, which course shall contain all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices¹⁹ including such matters as the

⁹ U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf, at 3 of 4.

¹⁰ Registered Apprenticeship program sponsors vary from small, privately owned businesses to national employer and industry associations. There are nearly 29,000 sponsors representing more than 250,000 employers, such as UPS, the United States Military Apprenticeship Program, Werner Enterprises, and CVS/pharmacy. U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

¹¹ U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

¹² *Id.*

¹³ U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

¹⁴ *Id.*

¹⁵ U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Section 446.011(1), F.S.

¹⁹ An apprentice means “a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which training should be combined with properly coordinated studies of technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who may be either an employer, an association of

requirements for a written apprenticeship agreement.”²⁰ A preapprenticeship program means “an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the department and sponsored by a registered apprenticeship program.”²¹

The Department of Education (DOE or department) is responsible for administering, facilitating, and supervising registered apprenticeship programs (e.g., developing and encouraging apprenticeship programs, cooperating with and assisting apprenticeship sponsors to develop apprenticeship standards and training requirements, monitoring RA programs, investigating complaints regarding failure to meet the standards²² established by the department, and canceling registration of programs that fail to comply with the standards and policies of the department).²³

Additionally, the department, the district school boards, and the community college district boards of trustees must work together with existing apprenticeship programs so that individuals completing the preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.²⁴

The State Apprenticeship Advisory Council (Council) advises the department on matters related to apprenticeship.²⁵ The Council is comprised of 10 voting members appointed by the Governor and two ex officio nonvoting members.²⁶ The Commissioner of Education (commissioner) or the commissioner’s designee must serve ex officio as chair of the Council, but may not vote.²⁷ Two public members who are knowledgeable about registered apprenticeship and apprenticeable

employers, or a local joint apprenticeship committee.” Section 446.021(2), F.S. A journeyman means “a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.” Section 446.021(4), F.S. An apprenticeable occupation is a skilled trade which possesses all of the characteristics that are specified in law (e.g., customarily learned in a practical way through a structures, systemic program of on-the-job, supervised training and involves manual, mechanical, or technical skills and knowledge which require a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction). Section 446.092, F.S.

²⁰ Section 446.021(6), F.S. An apprenticeship agreement may not operate to invalidate any apprenticeship provision in a collective agreement between employers and employees which establishes higher apprenticeship standards. Section 446.081(1), F.S.

²¹ Section 446.021(5), F.S.

²² The Department of Education (DOE or department) is responsible for developing apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and assisting district school boards and community college district boards of trustees in developing preapprenticeship programs. Sections 446.011(2), 446.032, and 446.052, F.S. Uniform minimum preapprenticeship standards means “the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards for admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit which may be given to preapprenticeship graduates upon acceptance into the apprenticeship program.” Section 446.021(8), F.S.

²³ Section 446.041, F.S.

²⁴ Section 446.052(3), F.S.

²⁵ Section 446.045(2)(a), F.S.

²⁶ *Id.*

²⁷ Section 446.045(2)(b), F.S.

occupations are appointed by the Governor to the Council.²⁸ One of the public members must be recommended by joint organizations and one must be recommended by nonjoint organizations.²⁹

Florida Career and Professional Education

In 2007, the Legislature created the Florida Career and Professional Education (CAPE) Act to:³⁰

- Improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- Provide rigorous and relevant career-themed courses³¹ that articulate to postsecondary-level coursework and lead to industry certification;
- Support local and regional economic development;
- Respond to Florida’s critical workforce needs; and
- Provide state residents with access to high-wage and high-demand careers.

Through third-party assessments called industry certifications, students demonstrate competency to perform specific industry-endorsed and -recognized skills and abilities required to perform particular jobs.

The State Board of Education (SBE) adopts by rule, the list of industry certifications that are eligible for funding through the Florida Education Finance Program (FEFP).³² The list of industry certifications approved by Workforce Florida, Inc., and the Florida Department of Education (DOE), called the Industry Certification Funding List, is updated annually.³³ Industry certifications on the “Gold Standard Career Pathways” list, which is incorporated by reference in SBE rule,³⁴ articulate to Associate in Applied Science and Associate in Science degree programs and are a subset of the Industry Certification Funding List.³⁵

CAPE Digital Tool certificates and CAPE industry certifications offered in the middle grades that are included on the CAPE Industry Certification Funding List,³⁶ if earned by students, are eligible for additional full-time equivalent membership.³⁷

²⁸ *Id.*

²⁹ *Id.* A “joint organization” means an apprenticeship sponsor who participates in a collective bargaining agreement. Section 446.045(1)(a), F.S. A “nonjoint organization” means an apprenticeship sponsor who does not participate in a collective bargaining agreement. *Id.* at (1)(b).

³⁰ Section 1003.491(1), F.S.

³¹ A “career-themed course” is a course, or a course in a series of courses, that leads to an industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. Section 1003.493(1)(b), F.S.

³² Sections 1008.44 and 1003.492, F.S.

³³ Section 1003.492(2), F.S.

³⁴ Rule 6A-10.0401, F.A.C.

³⁵ Florida Department of Education, *Process for Establishing Gold Standard Career Pathways Industry Certification to AAS/AS Degree Statewide Articulation Agreements*, available at <http://www.fldoe.org/workforce/dwdframe/pdf/GSCPICprocess.pdf>.

³⁶ The Industry Certification Funding List is adopted by State Board of Education Rule. Section 1008.44, F.S.

³⁷ Section 1011.62(1)(o)1.a. and b., F.S.

Workforce Education

Complete Florida Plus Program

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

In 2012, the Legislature created the Complete Florida Plus Program³⁸ at the University of West Florida (UWF) for the purpose of:³⁹

- Facilitating degree completion for the state's adult learners through the Complete Florida Degree Initiative.
- Providing information relating to and access to distance learning courses and degree programs offered by public postsecondary education institutions.
- Coordinating with the Florida College System (FCS) and the State University System (SUS) to identify and provide online academic support services and resources when the multi-institutional provision of such services and resources is more cost effective or operationally effective.
- Administering the Florida Academic Library Services Cooperative⁴⁰ (Cooperative) and consulting with the chancellors of the FCS and the SUS regarding the Cooperative.

The UWF must submit annual reports to the President of the Senate and the Speaker of the House of Representatives relating to the implementation and operation of the components of the Complete Florida Plus Program and the Cooperative.⁴¹

Complete Florida Degree Initiative

In 2014, the Legislature established the Complete Florida Degree Initiative (Initiative) within the Complete Florida Plus Program for the purpose of recruiting, recovering, and retaining the state's adult learners⁴² and assisting them in completing an associate degree or a baccalaureate degree aligned to the state's high-wage, high-skill workforce needs.⁴³ The Initiative coordinates with FCS institutions, state universities, and private postsecondary institutions and partners with public and private job recruitment and placement agencies to identify associate, applied baccalaureate, and baccalaureate degree programs that meet the state's workforce needs.⁴⁴

³⁸ The program was formerly established as the Degree Completion Pilot Project pursuant to s. 15, ch. 2012-34, L.O.F.

³⁹ Section 1006.735(1), F.S.

⁴⁰ Section 1006.73, F.S. The cooperative provides a single library automation system and associated resources and services for public postsecondary institutions to use to support learning, teaching, and research needs. *Id.* at (1).

⁴¹ Sections 1006.73(4) and 1006.735(5), F.S.

⁴² Section 1006.735(2), F.S. Adult learners who are veterans or active duty members of the United States Armed Forces are given priority. *Id.* An "adult learner" is defined as "a student who has successfully completed college-level coursework in multiple semesters but has left an institution in good standing before completing his or her degree." *Id.*

⁴³ Section 1006.735(2), F.S.; *see also*, s. 16, ch. 2014-56, L.O.F.

⁴⁴ Section 1006.735(2)(a), F.S.

Specifically, the Initiative must:⁴⁵

- Give priority to degree programs using labor market data and projections, including data and projections included in the Board of Governor’s gap analysis,⁴⁶ to identify the specific workforce needs and targeted occupations of the state.
- Provide adult learners with a single point of access to information and links to innovative online and accelerated distance learning courses,⁴⁷ student and library support services, and electronic resources⁴⁸ that will aid them in completing a postsecondary degree.
- Use existing or develop new competency-based instructional and evaluation tools to assess prior performance, experience, and education to award college credit and reduce the time required for adults to complete degrees.
- Develop and implement an evaluation process to collect and analyze appropriate data to report the effectiveness of the Initiative to the chancellors of the FCS and the SUS, the participating postsecondary education institutions, the chairs of the legislative appropriations committees, and the Executive Office of the Governor.
- Develop and implement a statewide student recruitment campaign targeted toward adult learners, particularly veterans and active duty members of the United States Armed Forces, for enrollment in degree programs offered through the Initiative.

III. Effect of Proposed Changes:

SB 948 updates terminology and revises criteria relating to apprenticeships, modifies career and professional education (CAPE) funding, and creates the Rapid Response Education and Training Program.

Apprenticeships

The bill changes the term “journeyman” to “journeyworker.” Also, the bill clarifies the definition of the term “journeyman” as a worker who has mastered the skills, abilities, and competencies required for an occupation through a formal apprenticeship or on-the-job experience or formal training. The revised definition may benefit apprentices and apprenticeship programs by clarifying the criteria and qualifications that a “journeyworker” must possess.

The bill redefines “related instruction” by specifying that such instruction includes knowledge of technical subjects related to a specific trade or occupation through instruction in occupational or industrial courses taught in the classroom, taken by correspondence, including electronic media or other forms of self-study instruction approved by the Department of Education (DOE). The bill expands the definition to broaden the types of courses and options for receiving instruction

⁴⁵ Section 1006.735(2), F.S.

⁴⁶ Section 1001.706(5), F.S.

⁴⁷ Section 1006.735(3), F.S. The Complete Florida Plus Program manages a statewide Internet-based catalog of distance learning courses, degree programs, and resources offered by public postsecondary education institutions to facilitate the institutions’ efforts in developing a statewide articulation system that allows students to rapidly proceed toward their educational objectives and transfer between institutions. *Id.*; *see also*, s. 1007.01, F.S.

⁴⁸ Section 1006.735(4), F.S. Statewide online services and support include a streamlined online admissions application process for undergraduate transient students and a K-20 statewide computer-assisted student advising system that supports K-12 career and education planning and the advisement, registration, and certification of postsecondary students for graduation. *Id.*

on those courses, which may benefit people who would not otherwise have the opportunity to receive such instruction in a traditional setting.

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

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

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

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

CAPE Funding

The bill revises the tiers for calculating additional full-time equivalent student membership based on completion of a career-themed course, enrollment in a career and professional education academy, and attainment of an industry certification that is assigned a value and identified on the CAPE Industry Certification Funding List.⁴⁹

Rapid Response Education and Training Program

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

Specifically, the bill requires that the Program:

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

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

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

⁴⁹ Section 1008.44, F.S.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

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: 446.021, 446.032, 446.045, 446.081, 446.091, 446.092, 1011.62, 1004.92, and 1006.735.

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.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
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The Committee on Higher Education (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete lines 31 - 154

and insert:

Section 1. Subsections (2), (4), and (9) of section 446.021, Florida Statutes, are amended to read:

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

(2) "Apprentice" means a person at least 16 years of age who is engaged in learning a recognized skilled trade through



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11 actual work experience under the supervision of journeyworker
12 ~~journeymen~~ craftsmen, which training should be combined with
13 properly coordinated studies of related technical and
14 supplementary subjects, and who has entered into a written
15 agreement, which may be cited as an apprentice agreement, with a
16 registered apprenticeship sponsor who may be either an employer,
17 an association of employers, or a local joint apprenticeship
18 committee.

19 (4) "Journeyworker" ~~"Journeyman"~~ means a worker who has
20 attained certain skills, abilities, and competencies and who is
21 recognized within an industry as having mastered the skills and
22 competencies required for the occupation, including, but not
23 limited to, attainment of a nationally recognized industry
24 certification. The term includes a mentor, technician,
25 specialist, or other skilled worker who has documented
26 sufficient skills and knowledge of an occupation, through formal
27 apprenticeship, attainment of a nationally recognized industry
28 certification, or through practical, on-the-job experience or
29 formal training a person working in an apprenticeable occupation
30 ~~who has successfully completed a registered apprenticeship~~
31 ~~program or who has worked the number of years required by~~
32 ~~established industry practices for the particular trade or~~
33 ~~occupation.~~

34 (9) "Related instruction" means an organized and systematic
35 form of instruction designed to provide the apprentice with
36 knowledge of the theoretical and technical subjects related to a
37 specific trade or occupation. Such instruction may be given in a
38 classroom, through occupational or industrial courses, or by
39 correspondence courses of equivalent value, including electronic



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40 media or other forms of self-study instruction approved by the
41 department.

42 Section 2. Subsection (1) of section 446.032, Florida
43 Statutes, is amended to read:

44 446.032 General duties of the department for apprenticeship
45 training.—The department shall:

46 (1) Establish uniform minimum standards and policies
47 governing apprentice programs and agreements. The standards and
48 policies shall govern the terms and conditions of the
49 apprentice's employment and training, including the quality
50 training of the apprentice for, but not limited to, such matters
51 as ratios of apprentices to journeyworkers ~~journeymen~~, safety,
52 related instruction, and on-the-job training; but these
53 standards and policies may not include rules, standards, or
54 guidelines that require the use of apprentices and job trainees
55 on state, county, or municipal contracts. The department may
56 adopt rules necessary to administer the standards and policies.

57 Section 3. Paragraph (b) of subsection (2) of section
58 446.045, Florida Statutes, is amended to read:

59 446.045 State Apprenticeship Advisory Council.—

60 (2)

61 (b) The Commissioner of Education or the commissioner's
62 designee shall serve ex officio as chair of the State
63 Apprenticeship Advisory Council, but may not vote. The state
64 director of the Office of Apprenticeship of the United States
65 Department of Labor shall serve ex officio as a nonvoting member
66 of the council. The Governor shall appoint to the council four
67 members representing employee organizations and four members
68 representing employer organizations. Each of these eight members



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69 shall represent industries that have registered apprenticeship
70 programs. The Governor shall also appoint two public members who
71 are knowledgeable about registered apprenticeship and
72 apprenticeable occupations, who are independent of any joint or
73 nonjoint organization ~~one of whom shall be recommended by joint~~
74 ~~organizations, and one of whom shall be recommended by nonjoint~~
75 ~~organizations~~. Members shall be appointed for 4-year staggered
76 terms. A vacancy shall be filled for the remainder of the
77 unexpired term.

78 Section 4. Subsection (4) is added to section 446.081,
79 Florida Statutes, to read:

80 446.081 Limitation.—

81 (4) Nothing in ss. 446.011-446.092 or the implementing
82 rules in these sections shall operate to invalidate any special
83 provision for veterans, minority persons, or women in the
84 standards, qualifications, or operation of the apprenticeship
85 program or in the apprenticeship agreement which is not
86 otherwise prohibited by law, executive order, or authorized
87 regulation.

88 Section 5. Section 446.091, Florida Statutes, is amended to
89 read:

90 446.091 On-the-job training program.—All provisions of ss.
91 446.011-446.092 relating to apprenticeship and
92 preapprenticeship, including, but not limited to, programs,
93 agreements, standards, administration, procedures, definitions,
94 expenditures, local committees, powers and duties, limitations,
95 grievances, and ratios of apprentices and job trainees to
96 journeyworkers ~~journeymen~~ on state, county, and municipal
97 contracts, shall be appropriately adapted and made applicable to



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98 a program of on-the-job training authorized under those
99 provisions for persons other than apprentices.

100 Section 6. Section 446.092, Florida Statutes, is amended to
101 read:

102 446.092 Criteria for apprenticeship occupations.—An
103 apprenticeable occupation is a skilled trade which possesses all
104 of the following characteristics:

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

108 (2) It is clearly identified and commonly recognized
109 throughout an the industry, and may be associated with a
110 nationally recognized industry certification or recognized with
111 a positive view towards changing technology.

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

117 (4) It requires related instruction to supplement on-the-
118 job training. Such instruction may be given in a classroom,
119 through occupational or industrial courses, or through
120 correspondence courses of equivalent value, including electronic
121 media or other forms of self-study instruction approved by the
122 department.

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



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

128 ~~(a) Selling, retailing, or similar occupations in the~~
129 ~~distributive field.~~

130 ~~(b) Managerial occupations.~~

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

133

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

135 And the title is amended as follows:

136 Delete line 2

137 and insert:

138 An act relating to education;



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
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The Committee on Higher Education (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete lines 155 - 260

and insert:

Section 7. Paragraphs (f) and (o) of subsection (1), subsection (5), paragraph (b) of subsection (7), paragraph (a) of subsection (9), and subsection (11) of section 1011.62, Florida Statutes, are amended, present subsections (13), (14), and (15) of that section are redesignated as subsections (14), (15), and (16), respectively, and a new subsection (13) is added



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11 to that section, to read:

12 1011.62 Funds for operation of schools.—If the annual
13 allocation from the Florida Education Finance Program to each
14 district for operation of schools is not determined in the
15 annual appropriations act or the substantive bill implementing
16 the annual appropriations act, it shall be determined as
17 follows:

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

22 (f) *Supplemental academic instruction; categorical fund.*—

23 1. There is created a categorical fund to provide
24 supplemental academic instruction to students in kindergarten
25 through grade 12. This paragraph may be cited as the
26 “Supplemental Academic Instruction Categorical Fund.”

27 2. Categorical funds for supplemental academic instruction
28 shall be allocated annually to each school district in the
29 amount provided in the General Appropriations Act. These funds
30 shall be in addition to the funds appropriated on the basis of
31 FTE student membership in the Florida Education Finance Program
32 and shall be included in the total potential funds of each
33 district. These funds shall be used to provide supplemental
34 academic instruction to students enrolled in the K-12 program.
35 For the 2014-2015, 2015-2016, 2016-2017, and 2017-2018 fiscal
36 years ~~year~~, each school district that has one or more of the 300
37 lowest-performing elementary schools based on the state reading
38 assessment shall use these funds, together with the funds
39 provided in the district’s research-based reading instruction



40 allocation and other available funds, to provide an additional
41 hour of instruction beyond the normal school day for each day of
42 the entire school year, and provide the equivalent hours of
43 instruction in a summer program, for intensive reading
44 instruction for the students in each of these schools. In the
45 subsequent year, if a participating school is no longer
46 classified as one of the 300 lowest-performing elementary
47 schools, the school must continue to provide the additional hour
48 of instruction to all students who have Level 1 or Level 2
49 reading assessment scores. This additional hour of instruction
50 must be provided by teachers or reading specialists who are
51 effective in teaching reading or by a K-5 mentoring reading
52 program that is supervised by a teacher who is effective at
53 teaching reading. Students enrolled in these schools who have
54 level 5 assessment scores may participate in the additional hour
55 of instruction on an optional basis. Exceptional student
56 education centers may ~~shall~~ not be included in the 300 schools.
57 After this requirement has been met, supplemental instruction
58 strategies may include, but are not limited to: modified
59 curriculum, reading instruction, after-school instruction,
60 tutoring, mentoring, class size reduction, extended school year,
61 intensive skills development in summer school, and other methods
62 for improving student achievement. Supplemental instruction may
63 be provided to a student in any manner and at any time during or
64 beyond the regular 180-day term identified by the school as
65 being the most effective and efficient way to best help that
66 student progress from grade to grade and to graduate.

67 3. Effective with the 1999-2000 fiscal year, funding on the
68 basis of FTE membership beyond the 180-day regular term shall be



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69 provided in the FEFP only for students enrolled in juvenile
70 justice education programs or in education programs for
71 juveniles placed in secure facilities or programs under s.
72 985.19. Funding for instruction beyond the regular 180-day
73 school year for all other K-12 students shall be provided
74 through the supplemental academic instruction categorical fund
75 and other state, federal, and local fund sources with ample
76 flexibility for schools to provide supplemental instruction to
77 assist students in progressing from grade to grade and
78 graduating.

79 4. The Florida State University School, as a lab school, is
80 authorized to expend from its FEFP or Lottery Enhancement Trust
81 Fund allocation the cost to the student of remediation in
82 reading, writing, or mathematics for any graduate who requires
83 remediation at a postsecondary educational institution.

84 5. Beginning in the 1999-2000 school year, dropout
85 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
86 (b), and (c), and 1003.54 shall be included in group 1 programs
87 under subparagraph (d)3.

88 (o) *Calculation of additional full-time equivalent*
89 *membership based on successful completion of a career-themed*
90 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
91 *courses with embedded CAPE industry certifications or CAPE*
92 *Digital Tool certificates, and issuance of industry*
93 *certification identified on the CAPE Industry Certification*
94 *Funding List pursuant to rules adopted by the State Board of*
95 *Education or CAPE Digital Tool certificates pursuant to s.*
96 *1003.4203.—*

97 1.a. A value of 0.025 full-time equivalent student



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98 membership shall be calculated for CAPE Digital Tool
99 certificates earned by students in elementary and middle school
100 grades.

101 b. A value of 0.1 or 0.2 full-time equivalent student
102 membership shall be calculated for each student who completes a
103 course as defined in s. 1003.493(1)(b) or courses with embedded
104 CAPE industry certifications and who is issued an industry
105 certification identified annually on the CAPE Industry
106 Certification Funding List approved under rules adopted by the
107 State Board of Education. A value of 0.2 full-time equivalent
108 membership shall be calculated for each student who is issued a
109 CAPE industry certification that has a statewide articulation
110 agreement for college credit approved by the State Board of
111 Education. For CAPE industry certifications that do not
112 articulate for college credit, the Department of Education shall
113 assign a full-time equivalent value of 0.1 for each
114 certification. Middle grades students who earn additional FTE
115 membership for a CAPE Digital Tool certificate pursuant to sub-
116 subparagraph a. may not use the previously funded examination to
117 satisfy the requirements for earning an industry certification
118 under this sub-subparagraph. Additional FTE membership for an
119 elementary or middle grades student may ~~shall~~ not exceed 0.1 for
120 certificates or certifications earned within the same fiscal
121 year. The State Board of Education shall include the assigned
122 values on the CAPE Industry Certification Funding List under
123 rules adopted by the state board. Such value shall be added to
124 the total full-time equivalent student membership for grades 6
125 through 12 in the subsequent year ~~for courses that were not~~
126 ~~provided through dual enrollment.~~ CAPE industry certifications



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127 earned through dual enrollment must be reported and funded
128 pursuant to s. 1011.80. However, if a student earns a
129 certification through a dual enrollment course and the
130 certification is not a fundable certification on the
131 postsecondary certification funding list, or the dual enrollment
132 certification is earned as a result of an agreement between a
133 school district and a nonpublic postsecondary institution, the
134 bonus value shall be funded in the same manner as for other
135 nondual enrollment course industry certifications. In such
136 cases, the school district may provide for an agreement between
137 the high school and the technical center, or the school district
138 and the postsecondary institution may enter into an agreement
139 for equitable distribution of the bonus funds.

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

145 d. A value of 0.5 full-time equivalent student membership
146 shall be calculated for CAPE Acceleration Industry
147 Certifications that articulate for 15 to 29 college credit
148 hours, and 1.0 full-time equivalent student membership shall be
149 calculated for CAPE Acceleration Industry Certifications that
150 articulate for 30 or more college credit hours pursuant to CAPE
151 Acceleration Industry Certifications approved by the
152 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

153 2. Each district must allocate at least 80 percent of the
154 funds provided for CAPE industry certification, in accordance
155 with this paragraph, to the program that generated the funds.



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156 This allocation may not be used to supplant funds provided for
157 basic operation of the program.

158 3. For CAPE industry certifications earned in the 2013-2014
159 school year and in subsequent years, the school district shall
160 distribute to each classroom teacher who provided direct
161 instruction toward the attainment of a CAPE industry
162 certification that qualified for additional full-time equivalent
163 membership under subparagraph 1.:

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

168 b. A bonus in the amount of \$50 for each student taught by
169 a teacher who provided instruction in a course that led to the
170 attainment of a CAPE industry certification on the CAPE Industry
171 Certification Funding List with a weight of 0.2, ~~0.3~~, ~~0.5~~, and
172 ~~1.0~~.

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

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

181
182 Bonuses awarded pursuant to this paragraph shall be provided to
183 teachers who are employed by the district in the year in which
184 the additional FTE membership calculation is included in the



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185 calculation. Bonuses shall be calculated based upon the
186 associated weight of a CAPE industry certification on the CAPE
187 Industry Certification Funding List for the year in which the
188 certification is earned by the student. Any bonus awarded to a
189 teacher under sub-subparagraph 3.a. or sub-subparagraph 3.b.
190 ~~this paragraph~~ may not exceed \$2,000 in any given school year,
191 and a bonus awarded to a teacher under sub-subparagraph 3.c. or
192 sub-subparagraph 3.d. may not exceed \$4,000 in a given school
193 year. The maximum bonus that may be awarded to a teacher under
194 this paragraph is \$4,000. This bonus ~~and~~ is in addition to any
195 regular wage or other bonus the teacher received or is scheduled
196 to receive.

197 (5) DISCRETIONARY MILLAGE COMPRESSION SUPPLEMENT.—The
198 Legislature shall prescribe in the General Appropriations Act,
199 pursuant to s. 1011.71(1), the rate of nonvoted current
200 operating discretionary millage that shall be used to calculate
201 a discretionary millage compression supplement. If the
202 prescribed millage generates an amount of funds per unweighted
203 FTE for the district that is less than 105 percent of the state
204 average, the district shall receive an amount per FTE that, when
205 added to the funds per FTE generated by the designated levy,
206 shall equal 105 percent of the state average.

207 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

208 (b) The district sparsity index shall be computed by
209 dividing the total number of full-time equivalent students in
210 all programs in the district by the number of senior high school
211 centers in the district, not in excess of three, which centers
212 are approved as permanent centers by a survey made by the
213 Department of Education. In districts with a full-time



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214 equivalent student membership of at least 20,000, but no more
215 than 24,000, the index shall be computed by dividing the total
216 number of full-time equivalent students in all programs by the
217 number of permanent senior high school centers in the district,
218 not to exceed four.

219 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

220 (a) The research-based reading instruction allocation is
221 created to provide comprehensive reading instruction to students
222 in kindergarten through grade 12. For the 2014-2015, 2015-2016,
223 2016-2017, and 2017-2018 fiscal years year, in each school
224 district that has one or more of the 300 lowest-performing
225 elementary schools based on the state reading assessment,
226 priority shall be given to providing an additional hour per day
227 of intensive reading instruction beyond the normal school day
228 for each day of the entire school year, and provide the
229 equivalent hours of instruction in a summer program, for the
230 students in each school. In the subsequent year, if a
231 participating school is no longer classified as one of the 300
232 lowest-performing elementary schools, the school must continue
233 to provide the additional hour of instruction to all students
234 who have Level 1 or Level 2 reading assessment scores. Students
235 enrolled in these schools who have level 5 assessment scores may
236 participate in the additional hour of instruction on an optional
237 basis. Exceptional student education centers may ~~shall~~ not be
238 included in the 300 schools. The intensive reading instruction
239 delivered in this additional hour and for other students shall
240 include: research-based reading instruction that has been proven
241 to accelerate progress of students exhibiting a reading
242 deficiency; differentiated instruction based on student



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243 assessment data to meet students' specific reading needs;
244 explicit and systematic reading development in phonemic
245 awareness, phonics, fluency, vocabulary, and comprehension, with
246 more extensive opportunities for guided practice, error
247 correction, and feedback; and the integration of social studies,
248 science, and mathematics-text reading, text discussion, and
249 writing in response to reading. ~~For the 2012-2013 and 2013-2014~~
250 ~~fiscal years, a school district may not hire more reading~~
251 ~~coaches than were hired during the 2011-2012 fiscal year unless~~
252 ~~all students in kindergarten through grade 5 who demonstrate a~~
253 ~~reading deficiency, as determined by district and state~~
254 ~~assessments, including students scoring Level 1 or Level 2 on~~
255 ~~the statewide, standardized reading assessment or, upon~~
256 ~~implementation, the English Language Arts assessment, are~~
257 ~~provided an additional hour per day of intensive reading~~
258 ~~instruction beyond the normal school day for each day of the~~
259 ~~entire school year.~~

260 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
261 annually provide in the Florida Education Finance Program a
262 virtual education contribution. The amount of the virtual
263 education contribution shall be the difference between the
264 amount per FTE established in the General Appropriations Act for
265 virtual education and the amount per FTE for each district and
266 the Florida Virtual School, which may be calculated by taking
267 the sum of the base FEFP allocation, the declining enrollment
268 supplement, the discretionary local effort, the state-funded
269 discretionary contribution, the discretionary millage
270 compression supplement, the research-based reading instruction
271 allocation, the ESE guaranteed allocation, and the instructional



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272 materials allocation, and then dividing by the total unweighted
273 FTE. This difference shall be multiplied by the virtual
274 education unweighted FTE for programs and options identified in
275 s. 1002.455(3) and the Florida Virtual School and its franchises
276 to equal the virtual education contribution and shall be
277 included as a separate allocation in the funding formula.

278 (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally
279 connected student supplement is created to provide supplemental
280 funding for school districts to support the education of
281 students connected with federally owned military installations,
282 National Aeronautics and Space Administration (NASA) property,
283 and Indian lands. To be eligible for this supplement, the
284 district must also be eligible for federal impact aid funds
285 pursuant to Title VIII of the Elementary and Secondary Education
286 Act of 1965. The supplement shall be the sum of the student
287 allocation and an exempt property allocation.

288 (a) The student allocation shall be calculated based on the
289 number of students reported for federal impact aid, including
290 students with disabilities, who meet one of the following
291 criteria:

292 1. Resides with a parent who is on active duty in the
293 uniformed services or is an accredited foreign government
294 official and military officer. Students with disabilities shall
295 also be reported separately for this condition.

296 2. Resides on eligible federally owned Indian lands.
297 Students with disabilities shall also be reported separately for
298 this condition.

299 3. Resides with a civilian parent who lives or works on
300 eligible federal property connected with a military installation



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301 or NASA. The number of these students shall be multiplied by a
302 factor of 0.5.

303 (b) The total number of federally connected students
304 calculated under paragraph (a) shall be multiplied by a
305 percentage of the base student allocation as provided in the
306 General Appropriations Act. The total of the number of students
307 with disabilities as reported separately under subparagraphs
308 (a)1. and (a)2. shall be multiplied by an additional percentage
309 of the base student allocation as provided in the General
310 Appropriations Act. The base amount and the students-with-
311 disabilities amount shall be summed to provide the student
312 allocation.

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

319
320 ===== T I T L E A M E N D M E N T =====

321 And the title is amended as follows:

322 Delete lines 11 - 13

323 and insert:

324 an apprenticeable occupation; amending s. 1011.62,
325 F.S.; requiring a low-performing elementary school to
326 administer the required additional hours of
327 instruction in a summer program during specified
328 fiscal years; requiring a school to continue to
329 provide the additional instruction to certain students



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330 in the subsequent year that the school is no longer
331 classified as one of the 300 lowest-performing
332 elementary schools; revising the types and amounts of
333 bonuses that a teacher may receive in any given school
334 year; revising the discretionary millage compression
335 supplement; revising a district sparsity index
336 calculation; deleting obsolete language; revising the
337 virtual education contribution calculation; creating
338 the federally connected student supplement; providing
339 eligibility requirements for and components of the
340 supplement; amending s. 1004.92, F.S.;



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
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	.	

The Committee on Higher Education (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Between lines 329 and 330

insert:

Section 10. Subsections (3) and (4) of section 1001.7065, Florida Statutes, are amended to read:

1001.7065 Preeminent state research universities program.—

(3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—The Board of Governors shall designate each state research university that meets at least 11 of the 12 academic and



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11 research excellence standards identified in subsection (2) and
12 that enters into and maintains a formal agreement with the
13 National Merit Scholarship Corporation to offer college-
14 sponsored merit scholarship awards a preeminent state research
15 university.

16 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
17 ONLINE LEARNING.—A state research university that, as of July 1,
18 2013, met ~~meets~~ all 12 of the academic and research excellence
19 standards identified in subsection (2), as verified by the Board
20 of Governors, shall establish an institute for online learning.
21 Continuation of the institute for online learning is contingent
22 upon a state research university entering into and maintaining a
23 formal agreement with the National Merit Scholarship Corporation
24 to offer college-sponsored merit scholarship awards. The
25 institute shall establish a robust offering of high-quality,
26 fully online baccalaureate degree programs at an affordable cost
27 in accordance with this subsection.

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

31 (b) The advisory board shall:

32 1. Offer expert advice, as requested by the university, in
33 the development and implementation of a business plan to expand
34 the offering of high-quality, fully online baccalaureate degree
35 programs.

36 2. Advise the Board of Governors on the release of funding
37 to the university upon approval by the Board of Governors of the
38 plan developed by the university.

39 3. Monitor, evaluate, and report on the implementation of



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40 the plan to the Board of Governors, the Governor, the President
41 of the Senate, and the Speaker of the House of Representatives.

42 (c) The advisory board shall be composed of the following
43 five members:

44 1. The chair of the Board of Governors or the chair's
45 permanent designee.

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

48 3. A member with expertise in global marketing, appointed
49 by the Governor.

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

52 5. A member with expertise in disruptive innovation,
53 appointed by the Speaker of the House of Representatives.

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

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

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

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

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

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

67 4. A tuition and fee structure that meets the requirements
68 in paragraph (k) for online courses, baccalaureate degree



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69 programs, and student support services.

70 5. A timeline for offering, marketing, and enrolling
71 students in the online baccalaureate degree programs.

72 6. A budget for developing and marketing the online
73 baccalaureate degree programs.

74 7. Detailed strategies for ensuring the success of students
75 and the sustainability of the online baccalaureate degree
76 programs.

77

78 Upon recommendation of the plan by the advisory board and
79 approval by the Board of Governors, the Board of Governors shall
80 award the university \$10 million in nonrecurring funds and \$5
81 million in recurring funds for fiscal year 2013-2014 and \$5
82 million annually thereafter, subject to appropriation in the
83 General Appropriations Act.

84 (g) Beginning in January 2014, the university shall offer
85 high-quality, fully online baccalaureate degree programs that:

86 1. Accept full-time, first-time-in-college students.

87 2. Have the same rigorous admissions criteria as equivalent
88 on-campus degree programs.

89 3. Offer curriculum of equivalent rigor to on-campus degree
90 programs.

91 4. Offer rolling enrollment or multiple opportunities for
92 enrollment throughout the year.

93 5. Do not require any on-campus courses. However, for
94 courses or programs that require clinical training or
95 laboratories that cannot be delivered online, the university
96 shall offer convenient locational options to the student, which
97 may include, but are not limited to, the option to complete such



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98 requirements at a summer-in-residence on the university campus.
99 The university may provide a network of sites at convenient
100 locations and contract with commercial testing centers or
101 identify other secure testing services for the purpose of
102 proctoring assessments or testing.

103 6. Apply the university's existing policy for accepting
104 credits for both freshman applicants and transfer applicants.

105 (h) The university may offer a fully online Master's in
106 Business Administration degree program and other master's degree
107 programs.

108 (i) The university may develop and offer degree programs
109 and courses that are competency based as appropriate for the
110 quality and success of the program.

111 (j) The university shall periodically expand its offering
112 of online baccalaureate degree programs to meet student and
113 market demands.

114 (k) The university shall establish a tuition structure for
115 its online institute in accordance with this paragraph,
116 notwithstanding any other provision of law.

117 1. For students classified as residents for tuition
118 purposes, tuition for an online baccalaureate degree program
119 shall be set at no more than 75 percent of the tuition rate as
120 specified in the General Appropriations Act pursuant to s.
121 1009.24(4) and 75 percent of the tuition differential pursuant
122 to s. 1009.24(16). No distance learning fee, fee for campus
123 facilities, or fee for on-campus services may be assessed,
124 except that online students shall pay the university's
125 technology fee, financial aid fee, and Capital Improvement Trust
126 Fund fee. The revenues generated from the Capital Improvement



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127 Trust Fund fee shall be dedicated to the university's institute
128 for online learning.

129 2. For students classified as nonresidents for tuition
130 purposes, tuition may be set at market rates in accordance with
131 the business plan.

132 3. Tuition for an online degree program shall include all
133 costs associated with instruction, materials, and enrollment,
134 excluding costs associated with the provision of textbooks
135 pursuant to s. 1004.085 and physical laboratory supplies.

136 4. Subject to the limitations in subparagraph 1., tuition
137 may be differentiated by degree program as appropriate to the
138 instructional and other costs of the program in accordance with
139 the business plan. Pricing must incorporate innovative
140 approaches that incentivize persistence and completion,
141 including, but not limited to, a fee for assessment, a bundled
142 or all-inclusive rate, and sliding scale features.

143 5. The university must accept advance payment contracts and
144 student financial aid.

145 6. Fifty percent of the net revenues generated from the
146 online institute of the university shall be used to enhance and
147 enrich the online institute offerings, and 50 percent of the net
148 revenues generated from the online institute shall be used to
149 enhance and enrich the university's campus state-of-the-art
150 research programs and facilities.

151 7. The institute may charge additional local user fees
152 pursuant to s. 1009.24(14) upon the approval of the Board of
153 Governors.

154 8. The institute shall submit a proposal to the president
155 of the university authorizing additional user fees for the



156 provision of voluntary student participation in activities and
157 additional student services.

158 Section 11. (1) The State University System Performance
159 Based Incentive shall be based on indicators of institutional
160 attainment of performance metrics adopted by the Board of
161 Governors. The performance-based funding metrics shall include,
162 but are not limited to, metrics that measure graduation and
163 retention rates; degree production; affordability;
164 postgraduation employment, salaries, or further education;
165 student loan default rates; access; and any other metrics
166 approved by the board.

167 (2) The Board of Governors shall evaluate the institutions'
168 performance on the metrics based on benchmarks adopted by the
169 board which measure the achievement of institutional excellence
170 or improvement. Each fiscal year, the amount of funds available
171 for allocation to the institutions based on the performance
172 funding model shall consist of the state's investment in
173 performance funding, plus an institutional investment consisting
174 of funds to be redistributed from the base funding of the State
175 University System, as determined in the General Appropriations
176 Act. The institutional investment shall be restored for all
177 institutions eligible for the state's investment under the
178 performance funding model. Any institution that fails to meet
179 the board's minimum performance funding threshold will not be
180 eligible for the state's investment, will have a portion of its
181 institutional investment withheld, and must submit an
182 improvement plan to the board that specifies the activities and
183 strategies for improving the institution's performance.

184 (3) The Board of Governors must review the improvement



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185 plan, and if approved, must monitor the institution's progress
186 on implementing the specified activities and strategies. The
187 institutions shall submit monitoring reports to the board no
188 later than December 31 and May 31 of each year.

189 (4) The Chancellor of the State University System shall
190 withhold disbursement of the institutional investment until such
191 time as the monitoring report for the institution is approved by
192 the Board of Governors. Any institution that fails to make
193 satisfactory progress will not have its full institutional
194 investment restored. If all institutional investment funds are
195 not restored, any remaining funds shall be redistributed in
196 accordance with the board's performance funding model.

197 (5) By October 1 of each year, the Board of Governors shall
198 submit to the Governor, the President of the Senate, and the
199 Speaker of the House of Representatives a report on the previous
200 year's performance funding allocation which reflects the
201 rankings and award distributions.

202 (6) The Board of Governors shall adopt a regulation to
203 implement this section.

204 Section 12. (1) The Florida College System Performance
205 Based Incentive shall be based on indicators of institutional
206 attainment of performance metrics adopted by the State Board of
207 Education. The performance-based funding metrics shall include,
208 but are not limited to, metrics that measure retention; program
209 completion and graduation rates; student loan default rates; job
210 placement; and postgraduation employment, salaries, or further
211 education.

212 (2) The State Board of Education shall evaluate the
213 institutions' performance on the metrics based on benchmarks



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214 adopted by the board which measure the achievement of
215 institutional excellence or improvement. Each fiscal year, the
216 amount of funds available for allocation to the institutions
217 based on the performance funding model shall consist of the
218 state's investment in performance funding plus an institutional
219 investment consisting of funds to be redistributed from the base
220 funding of the Florida College System Program Fund, as
221 determined in the General Appropriations Act. The institutional
222 investment shall be restored for all institutions eligible for
223 the state's investment under the performance funding model. Any
224 institution that fails to meet the board's minimum performance
225 funding threshold will not be eligible for the state's
226 investment, will have a portion of its institutional investment
227 withheld, and must submit an improvement plan to the board that
228 specifies the activities and strategies for improving the
229 institution's performance.

230 (3) The State Board of Education must review the
231 improvement plan, and if approved, must monitor the
232 institution's progress on implementing the specified activities
233 and strategies. The institutions shall submit monitoring reports
234 to the board no later than December 31 and May 31 of each year.

235 (4) The Commissioner of Education shall withhold
236 disbursement of the institutional investment until such time as
237 the monitoring report for the institution is approved by the
238 State Board of Education. Any institution that fails to make
239 satisfactory progress will not have its full institutional
240 investment restored. If all institutional investment funds are
241 not restored, any remaining funds shall be redistributed in
242 accordance with the board's performance funding model.



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243 (5) By October 1 of each year, the State Board of Education
244 shall submit to the Governor, the President of the Senate, and
245 the Speaker of the House of Representatives a report on the
246 previous year's performance funding allocation which reflects
247 the rankings and award distributions.

248 (6) The State Board of Education shall adopt rules to
249 implement this section.

250

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

252 And the title is amended as follows:

253 Between lines 26 and 27

254 insert:

255 amending s. 1001.7065, F.S.; requiring a state
256 research university to enter into and maintain a
257 formal agreement with a specified organization to
258 offer college-sponsored merit scholarship awards as a
259 condition of designation as a preeminent state
260 research university; specifying that continuation of a
261 state research university's institute for online
262 learning is contingent on the university entering into
263 and maintaining such an agreement; requiring the Board
264 of Governors and the State Board of Education to base
265 state performance funds for the State University
266 System and the Florida College System on a specified
267 metrics adopted by each board; specifying allocation
268 of the funds; requiring the Chancellor of the State
269 University System and the Commissioner of Education to
270 withhold disbursement of certain funds; requiring the
271 boards to submit reports by a specified time to the



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Governor and the Legislature; requiring the boards to
adopt rules;



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
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The Committee on Higher Education (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Between lines 329 and 330

insert:

Section 10. Section 1012.731, Florida Statutes, is created to read:

1012.731 The Florida Best and Brightest Teacher Scholarship Program.—

(1) The Legislature recognizes that, second only to parents, teachers play the most critical role in preparing



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11 students to achieve a high level of academic performance. The
12 Legislature further recognizes that research has linked student
13 outcomes to a teacher's own academic achievement. Therefore, it
14 is the intent of the Legislature to designate teachers who have
15 achieved high academic standards during their own education as
16 Florida's best and brightest teacher scholars.

17 (2) There is created the Florida Best and Brightest Teacher
18 Scholarship Program to be administered by the Department of
19 Education. Beginning in the 2015-2016 school year, categorical
20 funds may be appropriated, as provided in the General
21 Appropriations Act, to award scholarships to teachers who have
22 demonstrated a high level of academic achievement.

23 (3) The State Board of Education shall adopt rules to
24 implement the program, which must include, but are not limited
25 to:

- 26 (a) Timeframes and requirements for submitting reports.
- 27 (b) Eligibility criteria for receiving the scholarship.
- 28 (c) Requirements for distributing scholarship funds.

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

31 And the title is amended as follows:

32 Between lines 26 and 27

33 insert:

34 creating s. 1012.731, F.S.; providing legislative
35 intent; establishing the Florida Best and Brightest
36 Teacher Scholarship Program; authorizing funding;
37 requiring that the State Board of Education adopt
38 rules;

By Senator Gaetz

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1 A bill to be entitled
2 An act relating to career education and job training;
3 amending s. 446.021, F.S.; revising terms; amending s.
4 446.032, F.S.; conforming a provision to a change made
5 by the act; amending s. 446.045, F.S.; clarifying
6 State Apprenticeship Advisory Council membership;
7 amending s. 446.081, F.S.; clarifying the limitations
8 of certain provisions; amending s. 446.091, F.S.;
9 conforming a provision to a change made by the act;
10 amending s. 446.092, F.S.; revising characteristics of
11 an apprenticeable occupation; amending s. 1011.62,
12 F.S.; revising funding to include career and
13 professional academies; amending s. 1004.92, F.S.;
14 requiring the State Board of Education to adopt rules
15 for administration; amending s. 1006.735, F.S.;
16 establishing the Rapid Response Education and Training
17 Program within the Complete Florida Plus Program;
18 requiring the Complete Florida Plus Program to work
19 with Enterprise Florida, Inc., to offer education and
20 training programs to businesses' employees; specifying
21 the duties of the Rapid Response Education and
22 Training Program; requiring reports to the
23 Legislature; requiring the Division of Career and
24 Adult Education within the Department of Education to
25 conduct an analysis and assessment of the
26 effectiveness of the education and training programs;
27 providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsections (2), (4), and (9) of section 446.021, Florida Statutes, are amended to read:

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

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

(4) "Journeyworker" ~~"Journeyman"~~ means a worker who has attained certain skills, abilities, and competencies and who is recognized within an industry as having mastered the skills and competencies required for the occupation. The term includes a mentor, technician, specialist, or other skilled worker who has documented sufficient skills and knowledge of an occupation, through formal apprenticeship or through practical, on-the-job experience or formal training ~~a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.~~

(9) "Related instruction" means an organized and systematic form of instruction designed to provide the apprentice with

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59 knowledge of the theoretical and technical subjects related to a
60 specific trade or occupation. Such instruction may be given in a
61 classroom, through occupational or industrial courses, or by
62 correspondence courses of equivalent value, including electronic
63 media or other forms of self-study instruction approved by the
64 department.

65 Section 2. Subsection (1) of section 446.032, Florida
66 Statutes, is amended to read:

67 446.032 General duties of the department for apprenticeship
68 training.—The department shall:

69 (1) Establish uniform minimum standards and policies
70 governing apprentice programs and agreements. The standards and
71 policies shall govern the terms and conditions of the
72 apprentice's employment and training, including the quality
73 training of the apprentice for, but not limited to, such matters
74 as ratios of apprentices to journeyworkers ~~journeymen~~, safety,
75 related instruction, and on-the-job training; but these
76 standards and policies may not include rules, standards, or
77 guidelines that require the use of apprentices and job trainees
78 on state, county, or municipal contracts. The department may
79 adopt rules necessary to administer the standards and policies.

80 Section 3. Paragraph (b) of subsection (2) of section
81 446.045, Florida Statutes, is amended to read:

82 446.045 State Apprenticeship Advisory Council.—

83 (2)

84 (b) The Commissioner of Education or the commissioner's
85 designee shall serve ex officio as chair of the State
86 Apprenticeship Advisory Council, but may not vote. The state
87 director of the Office of Apprenticeship of the United States

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88 Department of Labor shall serve ex officio as a nonvoting member
89 of the council. The Governor shall appoint to the council four
90 members representing employee organizations and four members
91 representing employer organizations. Each of these eight members
92 shall represent industries that have registered apprenticeship
93 programs. The Governor shall also appoint two public members who
94 are knowledgeable about registered apprenticeship and
95 apprenticeable occupations, who are independent of any joint or
96 nonjoint organization ~~one of whom shall be recommended by joint~~
97 ~~organizations, and one of whom shall be recommended by nonjoint~~
98 ~~organizations~~. Members shall be appointed for 4-year staggered
99 terms. A vacancy shall be filled for the remainder of the
100 unexpired term.

101 Section 4. Subsection (4) is added to section 446.081,
102 Florida Statutes, to read:

103 446.081 Limitation.—

104 (4) Nothing in ss. 446.011-446.092 or the implementing
105 rules in these sections shall operate to invalidate any special
106 provision for veterans, minority persons, or women in the
107 standards, qualifications, or operation of the apprenticeship
108 program or in the apprenticeship agreement which is not
109 otherwise prohibited by law, executive order, or authorized
110 regulation.

111 Section 5. Section 446.091, Florida Statutes, is amended to
112 read:

113 446.091 On-the-job training program.—All provisions of ss.
114 446.011-446.092 relating to apprenticeship and
115 preapprenticeship, including, but not limited to, programs,
116 agreements, standards, administration, procedures, definitions,

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117 expenditures, local committees, powers and duties, limitations,
118 grievances, and ratios of apprentices and job trainees to
119 journeyworkers ~~journeymen~~ on state, county, and municipal
120 contracts, shall be appropriately adapted and made applicable to
121 a program of on-the-job training authorized under those
122 provisions for persons other than apprentices.

123 Section 6. Section 446.092, Florida Statutes, is amended to
124 read:

125 446.092 Criteria for apprenticeship occupations.—An
126 apprenticeable occupation is a skilled trade which possesses all
127 of the following characteristics:

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

131 (2) It is clearly identified and commonly recognized
132 throughout an the industry ~~or recognized with a positive view~~
133 ~~towards changing technology.~~

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

139 (4) It requires related instruction to supplement on-the-
140 job training. Such instruction may be given in a classroom,
141 through occupational or industrial courses, or through
142 correspondence courses of equivalent value, including electronic
143 media or other forms of self-study instruction approved by the
144 department.

145 ~~(5) It involves the development of skill sufficiently broad~~

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146 ~~to be applicable in like occupations throughout an industry,~~
147 ~~rather than of restricted application to the products or~~
148 ~~services of any one company.~~

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

150 ~~(a) Selling, retailing, or similar occupations in the~~
151 ~~distributive field.~~

152 ~~(b) Managerial occupations.~~

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

155 Section 7. Paragraph (o) of subsection (1) of section
156 1011.62, Florida Statutes, is amended to read:

157 1011.62 Funds for operation of schools.—If the annual
158 allocation from the Florida Education Finance Program to each
159 district for operation of schools is not determined in the
160 annual appropriations act or the substantive bill implementing
161 the annual appropriations act, it shall be determined as
162 follows:

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

167 (o) *Calculation of additional full-time equivalent*
168 *membership based on successful completion of a career-themed*
169 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
170 *courses with embedded CAPE industry certifications or CAPE*
171 *Digital Tool certificates, and issuance of industry*
172 *certification identified on the CAPE Industry Certification*
173 *Funding List pursuant to rules adopted by the State Board of*
174 *Education or CAPE Digital Tool certificates pursuant to s.*

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175 1003.4203.—

176 1.a. A value of 0.025 full-time equivalent student
177 membership shall be calculated for CAPE Digital Tool
178 certificates earned by students in elementary and middle school
179 grades.

180 b. A value of 0.1 or 0.2 full-time equivalent student
181 membership shall be calculated for each student who completes a
182 course as defined in s. 1003.493(1)(b) or is enrolled in a
183 career and professional academy as defined in s. 1003.493(1)(a)
184 or completes all performance expectations of a CAPE Innovation
185 Course as defined in s. 1003.4203(5)(a) ~~courses with embedded~~
186 CAPE industry certifications and who is issued a CAPE Industry
187 an industry Certification identified annually on the CAPE
188 Industry Certification Funding List approved under rules adopted
189 by the State Board of Education. A value of 0.2 full-time
190 equivalent membership shall be calculated for each student who
191 is issued a CAPE industry certification that has a statewide
192 articulation agreement for college credit approved by the State
193 Board of Education. For CAPE industry certifications that do not
194 articulate for college credit, the Department of Education shall
195 assign a full-time equivalent value of 0.1 for each
196 certification. Middle grades students who earn additional FTE
197 membership for a CAPE Digital Tool certificate pursuant to sub-
198 subparagraph a. may not use the previously funded examination to
199 satisfy the requirements for earning an industry certification
200 under this sub-subparagraph. Additional FTE membership for an
201 elementary or middle grades student shall not exceed 0.1 for
202 certificates or certifications earned within the same fiscal
203 year. The State Board of Education shall include the assigned

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204 values on the CAPE Industry Certification Funding List under
205 rules adopted by the state board. Such value shall be added to
206 the total full-time equivalent student membership for grades 6
207 through 12 in the subsequent year for courses that were not
208 provided through dual enrollment. CAPE industry certifications
209 earned through dual enrollment must be reported and funded
210 pursuant to s. 1011.80.

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

216 d. A value of 0.5 full-time equivalent student membership
217 shall be calculated for each student who completes a career-
218 themed course as defined in s. 1003.493(1) (b) or is enrolled in
219 a career and professional academy and who is issued a CAPE
220 Acceleration Industry Certification ~~Certifications~~ that
221 articulates ~~articulate~~ for 15 to 29 college credit hours, and
222 1.0 full-time equivalent student membership shall be calculated
223 for each student who completes a career-themed course as defined
224 in s. 1003.493(1) (b) or is enrolled in a career and professional
225 academy and who is issued a CAPE Acceleration Industry
226 Certification ~~Certifications~~ that articulates ~~articulate~~ for 30
227 or more college credit hours pursuant to CAPE Acceleration
228 Industry Certifications approved by the commissioner pursuant to
229 ss. 1003.4203(5) (b) and 1008.44.

230 2. Each district must allocate at least 80 percent of the
231 funds provided for CAPE industry certification, in accordance
232 with this paragraph, to the program that generated the funds.

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233 This allocation may not be used to supplant funds provided for
234 basic operation of the program.

235 3. For CAPE industry certifications earned in the 2013-2014
236 school year and in subsequent years, the school district shall
237 distribute to each classroom teacher who provided direct
238 instruction toward the attainment of a CAPE industry
239 certification that qualified for additional full-time equivalent
240 membership under subparagraph 1.:

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

245 b. A bonus in the amount of \$50 for each student taught by
246 a teacher who provided instruction in a course that led to the
247 attainment of a CAPE industry certification on the CAPE Industry
248 Certification Funding List with a weight of 0.2, 0.3, 0.5, and
249 1.0.

250
251 Bonuses awarded pursuant to this paragraph shall be provided to
252 teachers who are employed by the district in the year in which
253 the additional FTE membership calculation is included in the
254 calculation. Bonuses shall be calculated based upon the
255 associated weight of a CAPE industry certification on the CAPE
256 Industry Certification Funding List for the year in which the
257 certification is earned by the student. Any bonus awarded to a
258 teacher under this paragraph may not exceed \$2,000 in any given
259 school year and is in addition to any regular wage or other
260 bonus the teacher received or is scheduled to receive.

261 Section 8. Paragraph (b) of subsection (2) of section

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262 1004.92, Florida Statutes, is amended to read:

263 1004.92 Purpose and responsibilities for career education.-

264 (2)

265 (b) Department of Education accountability for career
266 education includes, but is not limited to:

267 1. The provision of timely, accurate technical assistance
268 to school districts and Florida College System institutions.

269 2. The provision of timely, accurate information to the
270 State Board of Education, the Legislature, and the public.

271 3. The development of policies, rules, and procedures that
272 facilitate institutional attainment of the accountability
273 standards and coordinate the efforts of all divisions within the
274 department.

275 4. The development of program standards and industry-driven
276 benchmarks for career, adult, and community education programs,
277 which must be updated every 3 years. The standards must include
278 career, academic, and workplace skills; viability of distance
279 learning for instruction; ~~and~~ work/learn cycles that are
280 responsive to business and industry; and reflect the quality
281 components of a career and technical education program. The
282 State Board of Education shall adopt rules to administer this
283 section.

284 5. Overseeing school district and Florida College System
285 institution compliance with the provisions of this chapter.

286 6. Ensuring that the educational outcomes for the technical
287 component of career programs are uniform and designed to provide
288 a graduate who is capable of entering the workforce on an
289 equally competitive basis regardless of the institution of
290 choice.

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291 Section 9. Present subsections (5) and (6) of section
292 1006.735, Florida Statutes, are redesignated as subsections (6)
293 and (7), respectively, and a new subsection (5) is added to that
294 section, to read:

295 1006.735 Complete Florida Plus Program.—The Complete
296 Florida Plus Program is created at the University of West
297 Florida.

298 (5) RAPID RESPONSE EDUCATION AND TRAINING PROGRAM.—The
299 Rapid Response Education and Training Program is established
300 within the Complete Florida Plus Program. Under the Rapid
301 Response Education and Training Program, the Complete Florida
302 Plus Program shall work directly with Enterprise Florida, Inc.,
303 in project-specific industry recruitment and retention efforts
304 to offer education and training programs to businesses'
305 employees.

306 (a) The Rapid Response Education and Training Program must:

307 1. Issue challenge grants through requests for proposals
308 that are open to all education and training providers, public or
309 private. These grants match state funding with education and
310 training provider funds to implement particular education and
311 training programs.

312 2. Generate periodic reports from an independent forensic
313 accounting or auditing entity to ensure transparency of the
314 program. These periodic reports must be submitted to the
315 President of the Senate and the Speaker of the House of
316 Representatives.

317 3. Keep administrative costs to a minimum through the use
318 of existing organizational structures.

319 4. Work directly with businesses to recruit individuals for

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320 education and training.

321 5. Be able to terminate an education and training program
322 by giving 30 days' notice.

323 6. Survey employers after completion of an education and
324 training program to ascertain the effectiveness of the program.

325 (b) The Division of Career and Adult Education within the
326 Department of Education shall conduct an analysis and assessment
327 of the effectiveness of the education and training programs
328 under this section in meeting labor market and occupational
329 trends and gaps.

330 Section 10. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Higher Education

BILL: SB 1252

INTRODUCER: Senator Stargel

SUBJECT: Higher Education

DATE: March 20, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	HE	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1252 eliminates the one-year moratorium on the State Board of Education’s approval of new baccalaureate degree program offerings by Florida College System (FCS) institutions and aligns the baccalaureate degree approval process for St. Petersburg College with the approval process for other FCS institutions. Additionally, the bill modifies requirements for career education by:

- Adding the Chancellor of Career and Adult Education as a member of the Higher Education Coordinating Council, and
- Modifying the purpose and responsibilities of career education to require that the career education program standards and benchmarks developed by the Florida Department of Education reflect the quality components of career and technical education, and requires the State Board of Education to adopt rules.

The bill takes effect July 1, 2015.

II. Present Situation:

The Legislature has established several mechanisms to educate and train individuals in Florida to promote economic development and meet workforce needs.

Florida College System Institution Baccalaureate Degree Programs

The Legislature created the site-determined baccalaureate degree access program in 1999 to authorize community colleges to offer baccalaureate degrees to meet the economic development and educational needs of place-bound, nontraditional students in areas of the state that are underserved by 4-year institutions.¹

¹ Section 1, ch. 99-290, L.O.F.

In 2001, the Legislature redesignated St. Petersburg Junior College as St. Petersburg College and authorized community colleges to offer baccalaureate degrees in populous counties that are underserved by public baccalaureate degree granting institutions.² The legislative intent to provide access to baccalaureate degrees was to “address the state’s workforce needs, especially the need for teachers, nurses, and business managers in agencies and firms that require expertise in technology.”³ St. Petersburg College was the first college that the Legislature authorized to offer baccalaureate degrees.⁴ The Legislature specified the purpose for authorizing St. Petersburg College to offer high quality undergraduate education at affordable prices is to “promote economic development by preparing people for occupations that require a bachelor’s degree and are in demand by existing or emerging public and private employers in this state.”⁵

Currently, 24 Florida College System (FCS) institutions offer 175 baccalaureate degree programs.⁶ In 2014, the Legislature placed a one-year moratorium on the State Board of Education’s approval of new baccalaureate degree program offerings by FCS institutions.⁷

Higher Education Coordinating Council

The Legislature created the Higher Education Coordinating Council (HECC or council) in 2010⁸ to identify unmet needs; facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers; and facilitate solutions to data issues identified by the Articulation Coordination Committee (ACC) to improve the K-20 education performance accountability system.⁹ HECC includes the following members:¹⁰

- One member of the Board of Governors, appointed by the chair of the Board of Governors.
- The Chancellor of the State University System.
- The Chancellor of the Florida College System.
- One member of the State Board of Education (SBE), appointed by the chair of the SBE.
- The Executive Director of the Florida Association of Postsecondary Schools and Colleges.
- The president of the Independent Colleges and Universities of Florida.
- The president of Workforce Florida, Inc., or his or her designee.

² Section 40, ch. 2001-170, L.O.F.

³ *Id.*

⁴ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (March 10, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2894.pdf, at 48-49 of 97.

⁵ Section 40, ch. 2001-170, L.O.F.

⁶ The 24 colleges that are authorized to offer baccalaureate degree programs include St. Petersburg College, Chipola College, Miami Dade College, Northwest Florida State College, Daytona State College, Florida SouthWestern State College, Florida State College at Jacksonville, Indian River State College, Broward College, Palm Beach State College, Polk State College, Santa Fe College, Seminole College, State College of Florida-Manatee, College of Central Florida, Gulf Coast State College, Pensacola College, St. Johns River State College, Valencia College, Florida Gateway College, South Florida State College, Lake-Sumter State College, Eastern Florida State College, and Pasco-Hernando State College. Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (March 10, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2894.pdf, at 49 of 97; Email, Office of Program Policy Analysis and Government Accountability (Feb. 13, 2015).

⁷ Sections 3 and 22, ch. 2014-56, L.O.F.

⁸ Section 12, ch. 2010-78, L.O.F.

⁹ Section 1004.015(1), F.S.

¹⁰ Section 1004.015(2), F.S.

- The president of Enterprise Florida, Inc., or a designated member of the Stakeholders Council appointed by the president.
- Three representatives of the business community, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, and one appointed by the Governor, who are committed to developing and enhancing world class workforce infrastructure necessary for Florida's citizens to compete and prosper in the ever-changing economy of the 21st century.

The appointed members serve 2-year terms and the chair of the HECC is elected annually by a majority of the council members.¹¹

Career Education

The purpose of career education is to help individuals attain and sustain employment and realize economic self-sufficiency.¹² The Legislature intends that the standards that are provided in law¹³ be considered in the development of accountability standards for public schools and for FCS institutions.¹⁴

- School board, superintendent, and career center, and FCS institution board of trustees and president, accountability for career education programs includes, but is not limited to:
 - Student demonstration of the academic skills necessary to enter an occupation.
 - Student preparation to enter an occupation in an entry-level position or continue postsecondary study.
 - Career program articulation with other corresponding postsecondary programs and job training experiences.
 - Employer satisfaction with the performance of students who complete career education or reach occupational completion points.
 - Student completion, placement, and retention rates pursuant to career program reporting requirements.¹⁵
- Florida Department of Education (DOE) accountability for career education includes, but is not limited to:
 - The provision of timely, accurate technical assistance to school districts and FCS institutions.
 - The provision of timely, accurate information to the SBE, the Legislature, and the public.
 - The development of policies, rules, and procedures that facilitate institutional attainment of the accountability standards and coordinate the efforts of all divisions within the department.
 - The development of program standards and industry-driven benchmarks for career, adult, and community education programs, which must be updated every 3 years. The standards must include career, academic, and workplace skills; viability of distance learning for instruction; and work/learn cycles that are responsive to business and industry.
 - Overseeing school district and FCS institution compliance with the provisions of public postsecondary education.

¹¹ Section 1004.015(2), F.S.

¹² Section 1004.92(1), F.S.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Section 1008.43, F.S.

- Ensuring that the educational outcomes for the technical component of career programs are uniform and designed to provide a graduate who is capable of entering the workforce on an equally competitive basis regardless of the institution of choice.

III. Effect of Proposed Changes:

SB 1252 eliminates the one-year moratorium on the State Board of Education's approval of new baccalaureate degree program offerings by Florida College System (FCS) institutions and aligns the baccalaureate degree approval process for St. Petersburg College with the approval process for other FCS institutions. In effect, St. Petersburg College must seek approval from the State Board of Education to offer new baccalaureate degree programs.

Additionally, the bill modifies requirements for career education by:

- Adding the Chancellor of Career and Adult Education as a member of the Higher Education Coordinating Council (HECC), and
- Modifying the purpose and responsibilities of career education to require that the career education program standards and benchmarks developed by the Florida Department of Education reflect the quality components of career and technical education, and requires the State Board of Education to adopt rules.

Career and Adult Education representation on the HECC may assist with advancing career education issues in higher education and promote collaboration between state universities, FCS institutions, technical centers, independent colleges and universities, and business and workforce entities regarding career education issues to meet the state's workforce needs.

The bill takes effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.03, 1004.015, 1004.92, and 1007.33.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
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	.	

The Committee on Higher Education (Negron) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (4) of section 1000.03, Florida
Statutes, is amended to read:

1000.03 Function, mission, and goals of the Florida K-20
education system.—

(4) The mission of Florida's K-20 education system is to
allow its students to increase their proficiency by allowing



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11 them the opportunity to expand their knowledge and skills
12 through rigorous and relevant learning opportunities, in
13 accordance with the mission of the applicable center or system
14 ~~statement~~ and accountability requirements of s. 1008.31, and
15 avoid wasteful duplication of programs offered by state
16 universities; Florida Community College System institutions; and
17 career centers and charter technical career centers that are
18 operated by district school boards.

19 Section 2. Subsection (3) of section 1000.21, Florida
20 Statutes, is amended to read:

21 1000.21 Systemwide definitions.—As used in the Florida K-20
22 Education Code:

23 (3) "Florida Community College System institution," except
24 as otherwise specifically provided, includes all of the
25 following public postsecondary educational institutions in the
26 Florida Community College System and any branch campuses,
27 centers, or other affiliates of the institution:

28 (a) Brevard ~~Eastern Florida State~~ College, which serves
29 Brevard County.

30 (b) Broward College, which serves Broward County.

31 (c) College of Central Florida, which serves Citrus, Levy,
32 and Marion Counties.

33 (d) Chipola College, which serves Calhoun, Holmes, Jackson,
34 Liberty, and Washington Counties.

35 (e) Daytona ~~State~~ College, which serves Flagler and Volusia
36 Counties.

37 (f) ~~Florida~~ Southwestern ~~State~~ College, which serves
38 Charlotte, Collier, Glades, Hendry, and Lee Counties.

39 (g) ~~Florida State College at Jacksonville~~ College, which



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40 serves Duval and Nassau Counties.

41 (h) Florida Keys Community College, which serves Monroe
42 County.

43 (i) Gulf Coast ~~State~~ College, which serves Bay, Franklin,
44 and Gulf Counties.

45 (j) Hillsborough Community College, which serves
46 Hillsborough County.

47 (k) Indian River ~~State~~ College, which serves Indian River,
48 Martin, Okeechobee, and St. Lucie Counties.

49 (l) Lake City ~~Florida Gateway~~ College, which serves Baker,
50 Columbia, Dixie, Gilchrist, and Union Counties.

51 (m) Lake-Sumter ~~State~~ College, which serves Lake and Sumter
52 Counties.

53 (n) Manatee-Sarasota ~~State~~ College ~~of Florida~~, Manatee-
54 Sarasota, which serves Manatee and Sarasota Counties.

55 (o) Miami Dade College, which serves Miami-Dade County.

56 (p) North Florida Community College, which serves Hamilton,
57 Jefferson, Lafayette, Madison, Suwannee, and Taylor Counties.

58 (q) Northwest ~~Florida State~~ College, which serves Okaloosa
59 and Walton Counties.

60 (r) Palm Beach ~~State~~ College, which serves Palm Beach
61 County.

62 (s) Pasco-Hernando ~~State~~ College, which serves Hernando and
63 Pasco Counties.

64 (t) Pensacola ~~State~~ College, which serves Escambia and
65 Santa Rosa Counties.

66 (u) Polk ~~State~~ College, which serves Polk County.

67 (v) St. Johns River ~~State~~ College, which serves Clay,
68 Putnam, and St. Johns Counties.



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69 (w) St. Petersburg College, which serves Pinellas County.

70 (x) Santa Fe College, which serves Alachua and Bradford
71 Counties.

72 (y) Seminole ~~State~~ College of Florida, which serves
73 Seminole County.

74 (z) South Florida ~~State~~ College, which serves DeSoto,
75 Hardee, and Highlands Counties.

76 (aa) Tallahassee Community College, which serves Gadsden,
77 Leon, and Wakulla Counties.

78 (bb) Valencia College, which serves Orange and Osceola
79 Counties.

80

81 By December 1, 2015, a Florida Community College System
82 institution shall change its name to accurately reflect the
83 institution's regional service area in order to be eligible to
84 receive state funds. The institution may not, in its name,
85 include the term "state" or indicate a statewide presence unless
86 expressly authorized by law.

87 Section 3. Paragraph (c) of subsection (2) of section
88 1001.02, Florida Statutes, is amended to read:

89 1001.02 General powers of State Board of Education.—

90 (2) The State Board of Education has the following duties:

91 (c) To exercise general supervision over the divisions of
92 the Department of Education as necessary to ensure that programs
93 offered by Florida Community College System institutions, and
94 career centers and charter technical career centers that are
95 operated by district school boards, are consistent with the
96 mission of the applicable system or center to avoid wasteful
97 duplication of programs; to ensure coordination of educational



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98 plans and programs and resolve controversies and to minimize
99 problems of articulation and student transfers;7 to ensure that
100 students moving from one level of education to the next have
101 acquired competencies necessary for satisfactory performance at
102 that level;7 and to ensure maximum utilization of facilities.

103 Section 4. Subsections (7), (8), (12), and (15) of section
104 1001.03, Florida Statutes, are amended to read:

105 1001.03 Specific powers of State Board of Education.—

106 (7) ARTICULATION ACCOUNTABILITY.—The State Board of
107 Education shall develop articulation accountability measures
108 that assess the status of systemwide articulation processes and
109 preserve Florida's "2+2" system of articulation, in conjunction
110 with the Board of Governors regarding the State University
111 System, and shall establish an articulation accountability
112 process in accordance with the provisions of chapter 1008, in
113 conjunction with the Board of Governors regarding the State
114 University System.

115 (8) SYSTEMWIDE ENFORCEMENT.—

116 (a) The State Board of Education shall enforce compliance
117 with law and state board rule by all school districts and public
118 postsecondary educational institutions, except for the State
119 University System, in accordance with this subsection and the
120 provisions of s. 1008.32.

121 (b) If the State Board of Education determines that a
122 district school board or Florida Community College System
123 institution board of trustees is unwilling or unable to comply
124 with law or state board rule within the specified time, the
125 state board is authorized to initiate any of the following
126 actions:



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127 1. Report to the Legislature that the school district or
128 Florida Community College System institution is unwilling or
129 unable to comply with law or state board rule and recommend
130 action to be taken by the Legislature.

131 2. Withhold the transfer of state funds, discretionary
132 grant funds, discretionary lottery funds, or any other funds
133 specified as eligible for this purpose by the Legislature until
134 the school district or Florida Community College System
135 institution complies with the law or state board rule.

136 3. Declare the school district or Florida Community College
137 System institution ineligible for competitive grants.

138 4. Require monthly or periodic reporting on the situation
139 related to noncompliance until it is remedied.

140 (12) COMMON POSTSECONDARY DEFINITIONS.—

141 (a) The term "college" means any Florida Community College
142 System institution offering a substantially complete program
143 that confers at least an associate degree requiring at least 15
144 semester hours or the equivalent of general education, or that
145 furnishes or offers to furnish instruction leading toward, or
146 prerequisite to, college credit. The use of the designation
147 "college" in combination with any series of letters, numbers, or
148 words is restricted in this state to Florida Community College
149 System institutions and colleges as defined in s. 1005.03. An
150 entity may not use the designation "college" in its name without
151 prior approval by the Legislature or the Commission for
152 Independent Education pursuant to s. 1005.03, as applicable.

153 (b) The State Board of Education shall adopt, by rule,
154 common definitions for associate in science degrees and for
155 certificates.



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156 (15) FLORIDA COMMUNITY COLLEGE SYSTEM INSTITUTION
157 BACCALAUREATE DEGREE PROGRAMS.—The State Board of Education
158 shall provide for the review and approval of proposals by
159 Florida Community College System institutions to offer
160 baccalaureate degree programs pursuant to s. 1007.33. A Florida
161 Community College System institution, as defined in s. 1000.21,
162 that is approved to offer baccalaureate degrees pursuant to s.
163 1007.33 remains under the authority of the State Board of
164 Education and the Florida Community College System institution's
165 board of trustees. ~~The State Board of Education may not approve~~
166 ~~Florida College System institution baccalaureate degree program~~
167 ~~proposals from March 31, 2014, through May 31, 2015.~~

168 Section 5. Subsection (26) of section 1001.42, Florida
169 Statutes, is amended to read:

170 1001.42 Powers and duties of district school board.—The
171 district school board, acting as a board, shall exercise all
172 powers and perform all duties listed below:

173 (26) TECHNICAL CENTER GOVERNING BOARD.—May appoint a
174 governing board for a school district technical center or a
175 system of technical centers for the purpose of aligning the
176 educational programs of the technical center with the needs of
177 local businesses and responding quickly to the needs of local
178 businesses for employees holding industry certifications. A
179 technical center governing board shall be comprised of seven
180 members, three of whom must be members of the district school
181 board or their designees and four of whom must be local business
182 leaders. The district school board shall delegate to the
183 technical center governing board decisions regarding entrance
184 requirements for students, curriculum, program development,



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185 budget and funding allocations, and the development with local
186 businesses of partnership agreements and appropriate industry
187 certifications in order to meet local and regional economic
188 needs. A technical center governing board may approve only
189 courses and programs that contain industry certifications. A
190 course may be continued if at least 25 percent of the students
191 enrolled in the course attain an industry certification. If
192 fewer than 25 percent of the students enrolled in a course
193 attain an industry certification, the course must be
194 discontinued the following year. However, notwithstanding the
195 authority to approve courses and programs under this subsection,
196 a technical center governing board may not approve college
197 credit courses or college credit certificate, associate degree,
198 or baccalaureate degree programs.

199 Section 6. Section 1001.44, Florida Statutes is amended to
200 read:

201 1001.44 Career centers; governance, mission, and
202 responsibilities.—

203 (1) DISTRICT SCHOOL BOARD MAY ESTABLISH OR ACQUIRE CAREER
204 CENTERS.—Any district school board, after first obtaining the
205 approval of the Department of Education, may, as a part of the
206 district school system, organize, establish and operate a career
207 center, or acquire and operate a career center previously
208 established.

209 (a) The primary mission of a career center that is operated
210 by a district school board is to promote advances and
211 innovations in workforce preparation and economic development. A
212 career center may provide a learning environment that serves the
213 needs of a specific population group or group of occupations,



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214 thus promoting diversity and choices within the public technical
215 education community in this state.

216 (b) A career center that is operated by a district school
217 board may not:

218 1. Offer college credit courses or college credit
219 certificate, associate degree, or baccalaureate degree programs.

220 2. In its name, include the term "college" or indicate that
221 the center has the authority to offer college credit courses or
222 college credit certificate, associate degree, or baccalaureate
223 degree programs.

224 (2) DISTRICT SCHOOL BOARDS OF CONTIGUOUS DISTRICTS MAY
225 ESTABLISH OR ACQUIRE CAREER CENTERS.—The district school boards
226 of any two or more contiguous districts may, upon first
227 obtaining the approval of the department, enter into an
228 agreement to organize, establish and operate, or acquire and
229 operate, a career center under this section.

230 (3) CAREER CENTER PART OF DISTRICT SCHOOL SYSTEM DIRECTED
231 BY A DIRECTOR.—

232 (a) A career center established or acquired under
233 provisions of law and minimum standards prescribed by the
234 commissioner shall comprise a part of the district school system
235 and shall mean an educational institution offering terminal
236 courses of a technical nature which are not for college credit,
237 and courses for out-of-school youth and adults; shall be subject
238 to all applicable provisions of this code; shall be under the
239 control of the district school board of the school district in
240 which it is located; and shall be directed by a director
241 responsible through the district school superintendent to the
242 district school board of the school district in which the center



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243 is located.

244 (b) Each career center shall maintain an academic
245 transcript for each student enrolled in the center. Such
246 transcript shall delineate each course completed by the student.
247 Courses shall be delineated by the course prefix and title
248 assigned pursuant to s. 1007.24. The center shall make a copy of
249 a student's transcript available to any student who requests it.

250 Section 7. Section 1001.60, Florida Statutes, is amended to
251 read:

252 1001.60 Florida Community College System.—

253 (1) PURPOSES.—In order to maximize open access for
254 students, respond to community needs for postsecondary academic
255 education and career degree education, and provide associate and
256 baccalaureate degrees that will best meet the state's employment
257 needs, the Legislature establishes a system of governance for
258 the Florida Community College System.

259 (2) FLORIDA COMMUNITY COLLEGE SYSTEM.—There shall be a
260 single Florida Community College System comprised of the Florida
261 Community College System institutions identified in s.
262 1000.21(3). A Florida Community College System institution may
263 not offer graduate degree programs.

264 (a) The programs and services offered by Florida Community
265 College System institutions in providing associate and
266 baccalaureate degrees shall be delivered in a cost-effective
267 manner that demonstrates substantial savings to the student and
268 to the state over the cost of providing the degree at a state
269 university.

270 (b)1. With the approval of its district board of trustees,
271 a Florida Community College System institution that is



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272 authorized by the State Board of Education to grant
273 baccalaureate degree programs pursuant to s. 1007.33 and has
274 been accredited as a baccalaureate-degree-granting institution
275 by the Commission on Colleges of the Southern Association of
276 Colleges and Schools may, after prior approval by the
277 Legislature by law, may change the institution's name to to
278 accurately reflect the institution's regional service area set
279 forth in s. 1000.21(3) and may use the designation "college" or
280 "state college" if it has been authorized to grant baccalaureate
281 degrees pursuant to s. 1007.33 and has been accredited as a
282 baccalaureate-degree-granting institution by the Commission on
283 Colleges of the Southern Association of Colleges and Schools.
284 However, the institution may not, in its name, include the term
285 "state" or indicate a statewide presence unless expressly
286 authorized by law.

287 2. With the approval of its district board of trustees, a
288 Florida Community College System institution that does not meet
289 the criteria in subparagraph 1. may request approval from the
290 State Board of Education to change the institution's name set
291 forth in s. 1000.21(3) and use the designation "college." The
292 State Board of Education may approve the request if the Florida
293 Community College System institution enters into an agreement
294 with the State Board of Education to do the following:

295 a. Maintain as its primary mission responsibility for
296 responding to community needs for postsecondary academic
297 education and career degree education as prescribed in s.
298 1004.65(5).

299 b. Maintain an open-door admissions policy for associate-
300 level degree programs and workforce education programs.



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301 c. Continue to provide outreach to underserved populations.

302 d. Continue to provide remedial education.

303 e. Comply with all provisions of the statewide articulation
304 agreement that relate to 2-year and 4-year public degree-
305 granting institutions as adopted by the State Board of Education
306 pursuant to s. 1007.23.

307 (c) A district board of trustees that approves a change to
308 the name of an institution under paragraph (b) must seek
309 statutory codification of such name change in s. 1000.21(3)
310 during the next regular legislative session.

311 (d) A Florida Community College System institution may not
312 use the designation "university."

313 (3) LOCAL BOARDS OF TRUSTEES.—Each institution within the
314 Florida Community College System shall be governed by a local
315 board of trustees as provided in s. 1001.64. The membership of
316 each local board of trustees shall be as provided in s. 1001.61.

317 Section 8. Subsection (4) is added to section 1001.705,
318 Florida Statutes, to read:

319 1001.705 Responsibility for the State University System
320 under s. 7, Art. IX of the State Constitution.—

321 (4) MISSION AND RESPONSIBILITIES.—The mission of the state
322 university system is to promote excellence through teaching
323 students, advancing research, and providing public service for
324 the benefit of Florida's citizens and their communities and
325 economies. A state university may provide students undergraduate
326 and graduate level instruction leading to baccalaureate,
327 masters, doctoral, or professional degrees or certificates in
328 accordance with the requirements of subsection (2).

329 Section 9. Subsections (3) and (4) of section 1001.7065,



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330 Florida Statutes, are amended to read:

331 1001.7065 Preeminent state research universities program.—

332 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—The
333 Board of Governors shall designate each state research
334 university that meets at least 11 of the 12 academic and
335 research excellence standards identified in subsection (2) and
336 that enters into and maintains a formal agreement with the
337 National Merit Scholarship Corporation to offer college-
338 sponsored merit scholarship awards a preeminent state research
339 university.

340 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
341 ONLINE LEARNING.—A state research university that, as of July 1,
342 2013, met ~~meets~~ all 12 of the academic and research excellence
343 standards identified in subsection (2), as verified by the Board
344 of Governors, shall establish an institute for online learning.
345 Continuation of the institute for online learning is contingent
346 upon a state research university entering into and maintaining a
347 formal agreement with the National Merit Scholarship Corporation
348 to offer college-sponsored merit scholarship awards. The
349 institute shall establish a robust offering of high-quality,
350 fully online baccalaureate degree programs at an affordable cost
351 in accordance with this subsection.

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

355 (b) The advisory board shall:

356 1. Offer expert advice, as requested by the university, in
357 the development and implementation of a business plan to expand
358 the offering of high-quality, fully online baccalaureate degree



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359 programs.

360 2. Advise the Board of Governors on the release of funding
361 to the university upon approval by the Board of Governors of the
362 plan developed by the university.

363 3. Monitor, evaluate, and report on the implementation of
364 the plan to the Board of Governors, the Governor, the President
365 of the Senate, and the Speaker of the House of Representatives.

366 (c) The advisory board shall be composed of the following
367 five members:

368 1. The chair of the Board of Governors or the chair's
369 permanent designee.

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

372 3. A member with expertise in global marketing, appointed
373 by the Governor.

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

376 5. A member with expertise in disruptive innovation,
377 appointed by the Speaker of the House of Representatives.

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

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

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

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



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

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

391 4. A tuition and fee structure that meets the requirements
392 in paragraph (k) for online courses, baccalaureate degree
393 programs, and student support services.

394 5. A timeline for offering, marketing, and enrolling
395 students in the online baccalaureate degree programs.

396 6. A budget for developing and marketing the online
397 baccalaureate degree programs.

398 7. Detailed strategies for ensuring the success of students
399 and the sustainability of the online baccalaureate degree
400 programs.

401
402 Upon recommendation of the plan by the advisory board and
403 approval by the Board of Governors, the Board of Governors shall
404 award the university \$10 million in nonrecurring funds and \$5
405 million in recurring funds for fiscal year 2013-2014 and \$5
406 million annually thereafter, subject to appropriation in the
407 General Appropriations Act.

408 (g) Beginning in January 2014, the university shall offer
409 high-quality, fully online baccalaureate degree programs that:

410 1. Accept full-time, first-time-in-college students.

411 2. Have the same rigorous admissions criteria as equivalent
412 on-campus degree programs.

413 3. Offer curriculum of equivalent rigor to on-campus degree
414 programs.

415 4. Offer rolling enrollment or multiple opportunities for
416 enrollment throughout the year.



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417 5. Do not require any on-campus courses. However, for
418 courses or programs that require clinical training or
419 laboratories that cannot be delivered online, the university
420 shall offer convenient locational options to the student, which
421 may include, but are not limited to, the option to complete such
422 requirements at a summer-in-residence on the university campus.
423 The university may provide a network of sites at convenient
424 locations and contract with commercial testing centers or
425 identify other secure testing services for the purpose of
426 proctoring assessments or testing.

427 6. Apply the university's existing policy for accepting
428 credits for both freshman applicants and transfer applicants.

429 (h) The university may offer a fully online Master's in
430 Business Administration degree program and other master's degree
431 programs.

432 (i) The university may develop and offer degree programs
433 and courses that are competency based as appropriate for the
434 quality and success of the program.

435 (j) The university shall periodically expand its offering
436 of online baccalaureate degree programs to meet student and
437 market demands.

438 (k) The university shall establish a tuition structure for
439 its online institute in accordance with this paragraph,
440 notwithstanding any other provision of law.

441 1. For students classified as residents for tuition
442 purposes, tuition for an online baccalaureate degree program
443 shall be set at no more than 75 percent of the tuition rate as
444 specified in the General Appropriations Act pursuant to s.
445 1009.24(4) and 75 percent of the tuition differential pursuant



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446 to s. 1009.24(16). No distance learning fee, fee for campus
447 facilities, or fee for on-campus services may be assessed,
448 except that online students shall pay the university's
449 technology fee, financial aid fee, and Capital Improvement Trust
450 Fund fee. The revenues generated from the Capital Improvement
451 Trust Fund fee shall be dedicated to the university's institute
452 for online learning.

453 2. For students classified as nonresidents for tuition
454 purposes, tuition may be set at market rates in accordance with
455 the business plan.

456 3. Tuition for an online degree program shall include all
457 costs associated with instruction, materials, and enrollment,
458 excluding costs associated with the provision of textbooks
459 pursuant to s. 1004.085 and physical laboratory supplies.

460 4. Subject to the limitations in subparagraph 1., tuition
461 may be differentiated by degree program as appropriate to the
462 instructional and other costs of the program in accordance with
463 the business plan. Pricing must incorporate innovative
464 approaches that incentivize persistence and completion,
465 including, but not limited to, a fee for assessment, a bundled
466 or all-inclusive rate, and sliding scale features.

467 5. The university must accept advance payment contracts and
468 student financial aid.

469 6. Fifty percent of the net revenues generated from the
470 online institute of the university shall be used to enhance and
471 enrich the online institute offerings, and 50 percent of the net
472 revenues generated from the online institute shall be used to
473 enhance and enrich the university's campus state-of-the-art
474 research programs and facilities.



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475 7. The institute may charge additional local user fees
476 pursuant to s. 1009.24(14) upon the approval of the Board of
477 Governors.

478 8. The institute shall submit a proposal to the president
479 of the university authorizing additional user fees for the
480 provision of voluntary student participation in activities and
481 additional student services.

482 Section 10. Subsection (1) of section 1002.34, Florida
483 Statutes, is amended to read:

484 1002.34 Charter technical career centers; governance,
485 mission, and responsibilities.-

486 (1) AUTHORIZATION AND MISSION.-

487 (a) The primary mission of a charter technical career
488 center is to promote ~~The Legislature finds that the~~
489 ~~establishment of charter technical career centers can assist in~~
490 ~~promoting~~ advances and innovations in workforce preparation and
491 economic development. A charter technical career center may
492 provide a learning environment that ~~better~~ serves the needs of a
493 specific population group or a group of occupations, thus
494 promoting diversity and choices within the public ~~education and~~
495 ~~public postsecondary~~ technical education community in this
496 state. Therefore, the creation of such centers is authorized as
497 part of the state's program of public education. A charter
498 technical career center may be formed by creating a new school
499 or converting an existing school district or Florida Community
500 College System institution program to charter technical status.

501 (b) A charter technical career center that is operated by a
502 district school board may not:

503 1. Offer college credit courses or college credit



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504 certificate, associate degree, or baccalaureate degree programs.

505 2. Include in its name the term "college" or indicate that
506 the center has the authority to offer college credit courses or
507 college credit certificate, associate degree, or baccalaureate
508 degree programs.

509 Section 11. Subsection (2) of section 1004.015, Florida
510 Statutes, is amended to read:

511 1004.015 Higher Education Coordinating Council.—

512 (2) Members of the council ~~shall~~ include:

513 (a) One member of the Board of Governors, appointed by the
514 chair of the Board of Governors.

515 (b) The Chancellor of the State University System.

516 (c) The Chancellor of the Florida Community College System.

517 (d) The Chancellor of Career and Adult Education.

518 (e)~~(d)~~ One member of the State Board of Education,
519 appointed by the chair of the State Board of Education.

520 (f)~~(e)~~ The Executive Director of the Florida Association of
521 Postsecondary Schools and Colleges.

522 (g)~~(f)~~ The president of the Independent Colleges and
523 Universities of Florida.

524 (h)~~(g)~~ The president of Workforce Florida, Inc., or his or
525 her designee.

526 (i)~~(h)~~ The president of Enterprise Florida, Inc., or a
527 designated member of the Stakeholders Council appointed by the
528 president.

529 (j)~~(i)~~ Three representatives of the business community, one
530 appointed by the President of the Senate, one appointed by the
531 Speaker of the House of Representatives, and one appointed by
532 the Governor, who are committed to developing and enhancing



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533 world class workforce infrastructure necessary for Florida's
534 citizens to compete and prosper in the ever-changing economy of
535 the 21st century.

536 Section 12. Section 1004.65, Florida Statutes, is amended
537 to read:

538 1004.65 Florida Community College System institutions;
539 governance, mission, and responsibilities.-

540 (1) Each Florida Community College System institution shall
541 be governed by a district board of trustees under statutory
542 authority and rules of the State Board of Education.

543 (2) Each Florida Community College System institution
544 district shall:

545 (a) Consist of the county or counties served by the Florida
546 Community College System institution pursuant to s. 1000.21(3).

547 (b) Be an independent, separate, legal entity created for
548 the operation of a Florida Community College System institution.

549 (3) Florida Community College System institutions are
550 locally based and governed entities with statutory and funding
551 ties to state government. As such, the mission for Florida
552 Community College System institutions reflects a commitment to
553 be responsive to local educational needs and challenges. In
554 achieving this mission, Florida Community College System
555 institutions strive to maintain sufficient local authority and
556 flexibility while preserving appropriate legal accountability to
557 the state.

558 (4) As comprehensive institutions, Florida Community
559 College System institutions shall provide high-quality,
560 affordable education and training opportunities, shall foster a
561 climate of excellence, and shall provide opportunities to all



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562 while combining high standards with an open-door admission
563 policy for lower-division programs. Florida Community College
564 System institutions shall, as open-access institutions, serve
565 all who can benefit, without regard to age, race, gender, creed,
566 or ethnic or economic background, while emphasizing the
567 achievement of social and educational equity so that all can be
568 prepared for full participation in society.

569 (5) The primary mission and responsibility of Florida
570 Community College System institutions is responding to community
571 needs for postsecondary academic education and career degree
572 education. This mission and responsibility includes being
573 responsible for:

574 (a) Providing lower level undergraduate instruction and
575 awarding associate degrees.

576 (b) Preparing students directly for careers requiring less
577 than baccalaureate degrees. This may include preparing for job
578 entry, supplementing of skills and knowledge, and responding to
579 needs in new areas of technology. Career education in a Florida
580 Community College System institution shall consist of career
581 certificates, credit courses leading to associate in science
582 degrees and associate in applied science degrees, and other
583 programs in fields requiring substantial academic work,
584 background, or qualifications. A Florida Community College
585 System institution may offer career education programs in fields
586 having lesser academic or technical requirements.

587 (c) Providing student development services, including
588 assessment, student tracking, support for disabled students,
589 advisement, counseling, financial aid, career development, and
590 remedial and tutorial services, to ensure student success.



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591 (d) Promoting economic development for the state within
592 each Florida Community College System institution district
593 through the provision of special programs, including, but not
594 limited to, the:

- 595 1. Enterprise Florida-related programs.
596 2. Technology transfer centers.
597 3. Economic development centers.
598 4. Workforce literacy programs.

599 (e) Providing dual enrollment instruction.

600 ~~(f) Providing upper level instruction and awarding~~
601 ~~baccalaureate degrees as specifically authorized by law.~~

602 (6) A separate and secondary role for Florida Community
603 College System institutions includes the offering of ~~programs~~
604 ~~in~~:

605 (a) Programs in community services that are not directly
606 related to academic or occupational advancement.

607 (b) Programs in adult education services, including adult
608 basic education, adult general education, adult secondary
609 education, and high school equivalency examination instruction.

610 (c) Programs in recreational and leisure services.

611 (d) Upper level instruction and awarding baccalaureate
612 degrees as specifically authorized by law.

613 (7) Funding for Florida Community College System
614 institutions shall reflect their mission as follows:

615 (a) Postsecondary academic and career education programs
616 and adult general education programs shall have first priority
617 in Florida Community College System institution funding.

618 (b) Community service programs shall be presented to the
619 Legislature with rationale for state funding. The Legislature



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620 may identify priority areas for use of these funds.

621 (c) The resources of a Florida Community College System
622 institution, including staff, faculty, land, and facilities,
623 shall not be used to support the establishment of a new
624 independent nonpublic educational institution. If any
625 institution uses resources for such purpose, the Division of
626 Florida Community Colleges shall notify the President of the
627 Senate and the Speaker of the House of Representatives.

628 (8) Florida Community College System institutions are
629 authorized to:

630 (a) Offer such programs and courses as are necessary to
631 fulfill their mission.

632 (b) Grant associate in arts degrees, associate in science
633 degrees, associate in applied science degrees, certificates,
634 awards, and diplomas.

635 (c) Make provisions for the high school equivalency
636 examination.

637 (d) Provide access to and award baccalaureate degrees in
638 accordance with law.

639
640 Authority to offer one or more baccalaureate degree programs
641 does not alter the governance relationship of the Florida
642 Community College System institution with its district board of
643 trustees or the State Board of Education.

644 Section 13. Paragraph (b) of subsection (2) of section
645 1004.92, Florida Statutes, is amended, and subsection (4) is
646 added to that section, to read:

647 1004.92 Purpose and responsibilities for career education.-

648 (2)



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649 (b) Department of Education accountability for career
650 education includes, but is not limited to:

651 1. The provision of timely, accurate technical assistance
652 to school districts and Florida Community College System
653 institutions.

654 2. The provision of timely, accurate information to the
655 State Board of Education, the Legislature, and the public.

656 3. The development of policies, rules, and procedures that
657 facilitate institutional attainment of the accountability
658 standards and coordinate the efforts of all divisions within the
659 department.

660 4. The development of program standards and industry-driven
661 benchmarks for career, adult, and community education programs,
662 which must be updated every 3 years. The standards must include
663 career, academic, and workplace skills; viability of distance
664 learning for instruction; ~~and~~ work/learn cycles that are
665 responsive to business and industry; and provisions that reflect
666 the quality components of career and technical education
667 programs.

668 5. Overseeing school district and Florida Community College
669 System institution compliance with the provisions of this
670 chapter.

671 6. Ensuring that the educational outcomes for the technical
672 component of career programs are uniform and designed to provide
673 a graduate who is capable of entering the workforce on an
674 equally competitive basis regardless of the institution of
675 choice.

676 (4) The State Board of Education shall adopt rules to
677 administer this section.



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678 Section 14. Subsection (2) of section 1007.01, Florida
679 Statutes, is amended to read:

680 1007.01 Articulation; legislative intent; purpose; role of
681 the State Board of Education and the Board of Governors;
682 Articulation Coordinating Committee.—

683 (2) To preserve Florida's "2+2" system of articulation and
684 improve and facilitate articulation systemwide, the State Board
685 of Education and the Board of Governors shall collaboratively
686 establish and adopt policies with input from statewide K-20
687 advisory groups established by the Commissioner of Education and
688 the Chancellor of the State University System and shall
689 recommend the policies to the Legislature. The policies shall
690 relate to:

691 (a) The alignment between the exit requirements of one
692 education system and the admissions requirements of another
693 education system into which students typically transfer.

694 (b) The identification of common courses, the level of
695 courses, institutional participation in a statewide course
696 numbering system, and the transferability of credits among such
697 institutions.

698 (c) Identification of courses that meet general education
699 or common degree program prerequisite requirements at public
700 postsecondary educational institutions.

701 (d) Dual enrollment course equivalencies.

702 (e) Articulation agreements.

703 (f) The application of credit hours earned through CAPE
704 industry certifications pursuant to s. 1008.44 and acceleration
705 mechanisms, including nationally standardized examinations, to
706 general education, associate degree, or baccalaureate degree



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707 requirements.

708 (g) The application of credit hours earned at Florida
709 Community College System institutions to general education,
710 associate degree, or baccalaureate degree requirements at state
711 universities.

712 Section 15. Subsection (1) of section 1007.23, Florida
713 Statutes, is amended to read:

714 1007.23 Statewide articulation agreement.—

715 (1) The State Board of Education and the Board of Governors
716 shall enter into a statewide articulation agreement which the
717 State Board of Education shall adopt by rule. The agreement must
718 preserve Florida's "2+2" system of articulation, facilitate the
719 seamless articulation of student credit across and among
720 Florida's educational entities, and reinforce the provisions of
721 this chapter by governing:

722 (a) Articulation between secondary and postsecondary
723 education;

724 (b) Admission of associate in arts degree graduates from
725 Florida Community College System institutions and state
726 universities;

727 (c) Admission of applied technology diploma program
728 graduates from Florida Community College System institutions or
729 career centers;

730 (d) Admission of associate in science degree and associate
731 in applied science degree graduates from Florida Community
732 College System institutions;

733 (e) The application use of credit hours earned through CAPE
734 industry certifications pursuant to s. 1008.44 and acceleration
735 mechanisms, including nationally standardized examinations, to



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736 general education, associate degree, or baccalaureate degree
737 requirements through which students may earn credit;

738 (f) General education requirements and statewide course
739 numbers as provided for in ss. 1007.24 and 1007.25; ~~and~~

740 (g) Articulation among programs in nursing; and

741 (h) The application of credit hours earned at Florida
742 Community College System institutions to general education,
743 associate degree, or baccalaureate degree requirements at state
744 universities.

745 Section 16. Subsections (1), (4), and (5) of section
746 1007.33, Florida Statutes, are amended, present subsection (6)
747 of that section is redesignated as subsection (7), and a new
748 subsection (6) is added to that section, to read:

749 1007.33 Site-determined baccalaureate degree access.—

750 (1) (a) The Legislature recognizes that public and private
751 postsecondary educational institutions play an essential role in
752 improving the quality of life and economic well-being of the
753 state and its residents. The Legislature also recognizes that
754 economic development needs and the educational needs of place-
755 bound, nontraditional students have increased the demand for
756 local access to baccalaureate degree programs. It is therefore
757 the intent of the Legislature to further expand access to
758 baccalaureate degree programs through the use of Florida
759 Community College System institutions.

760 (b) For purposes of this section, the term "district"
761 refers to the county or counties served by a Florida Community
762 College System institution pursuant to s. 1000.21(3).

763 (4) A Florida Community College System institution may:

764 (a) Offer specified baccalaureate degree programs through



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765 formal agreements between the Florida Community College System
766 institution and other regionally accredited postsecondary
767 educational institutions pursuant to s. 1007.22.

768 (b) Offer baccalaureate degree programs that are ~~were~~
769 authorized by law ~~prior to July 1, 2009.~~

770 ~~(c) Beginning July 1, 2009, establish a first or subsequent~~
771 ~~baccalaureate degree program~~ for purposes of meeting district,
772 regional, or statewide workforce needs if approved by the State
773 Board of Education under this section. However, a Florida
774 Community College System institution may not offer a Bachelor of
775 Arts degree program.

776
777 ~~Beginning July 1, 2009, the Board of Trustees of St. Petersburg~~
778 ~~College is authorized to establish one or more bachelor of~~
779 ~~applied science degree programs based on an analysis of~~
780 ~~workforce needs in Pinellas, Pasco, and Hernando Counties and~~
781 ~~other counties approved by the Department of Education. For each~~
782 ~~program selected, St. Petersburg College must offer a related~~
783 ~~associate in science or associate in applied science degree~~
784 ~~program, and the baccalaureate degree level program must be~~
785 ~~designed to articulate fully with at least one associate in~~
786 ~~science degree program. The college is encouraged to develop~~
787 ~~articulation agreements for enrollment of graduates of related~~
788 ~~associate in applied science degree programs. The Board of~~
789 ~~Trustees of St. Petersburg College is authorized to establish~~
790 ~~additional baccalaureate degree programs if it determines a~~
791 ~~program is warranted and feasible based on each of the factors~~
792 ~~in paragraph (5) (d). However, the Board of Trustees of St.~~
793 ~~Petersburg College may not establish any new baccalaureate~~



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794 ~~degree programs from March 31, 2014, through May 31, 2015. Prior~~
795 ~~to developing or proposing a new baccalaureate degree program,~~
796 ~~St. Petersburg College shall engage in need, demand, and impact~~
797 ~~discussions with the state university in its service district~~
798 ~~and other local and regional, accredited postsecondary providers~~
799 ~~in its region. Documentation, data, and other information from~~
800 ~~inter-institutional discussions regarding program need, demand,~~
801 ~~and impact shall be provided to the college's board of trustees~~
802 ~~to inform the program approval process. Employment at St.~~
803 ~~Petersburg College is governed by the same laws that govern~~
804 ~~Florida College System institutions, except that upper-division~~
805 ~~faculty are eligible for continuing contracts upon the~~
806 ~~completion of the fifth year of teaching. Employee records for~~
807 ~~all personnel shall be maintained as required by s. 1012.81.~~

808 (5) The approval process for baccalaureate degree programs
809 requires ~~shall require~~:

810 (a) Each Florida Community College System institution to
811 submit a notice of its intent to propose a baccalaureate degree
812 program to the Division of Florida Community Colleges at least 1
813 year ~~100 days~~ before the submission of its proposal under
814 paragraph (c) ~~(d)~~. The notice must include a brief description of
815 the program, the workforce demand and unmet need for graduates
816 of the program to include evidence from entities independent of
817 the institution, the geographic region to be served, and an
818 estimated timeframe for implementation. Notices of intent may be
819 submitted by a Florida Community College System institution at
820 any time throughout the year. The notice must also include
821 evidence that the Florida Community College System institution
822 engaged in need, demand, and impact discussions with the state



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823 university and other regionally accredited postsecondary
824 education providers in its service district.

825 (b) The Division of Florida Community Colleges to forward
826 the notice of intent submitted pursuant to paragraph (a) and the
827 justification for the proposed baccalaureate degree program
828 submitted pursuant to paragraph (c) within 10 business days
829 after receiving such notice and justification to the Chancellor
830 of the State University System, the President of the Independent
831 Colleges and Universities of Florida, and the Executive Director
832 of the Commission for Independent Education. State universities
833 ~~shall have 180 60~~ days following receipt of the justification
834 ~~notice~~ by the Chancellor of the State University System to
835 submit an objection, including a reason for such objection,
836 ~~objections to the proposed new program or submit an alternative~~
837 ~~proposal to offer the baccalaureate degree program. The~~
838 chancellor shall review the objection raised by a state
839 university and inform the Board of Governors of such objection
840 before the university submits its objection to the State Board
841 of Education. The State Board of Education must consult with the
842 Chancellor of the State University System to consider the
843 objection raised by a state university in making its decision to
844 approve or deny a Florida Community College System institution's
845 proposal. If a proposal from a state university is not received
846 ~~within the 60-day period,~~ The State Board of Education shall
847 also provide regionally accredited private colleges and
848 universities 180 30 days to submit objections to the proposed
849 ~~new program or submit an alternative proposal. Objections or~~
850 ~~alternative proposals~~ shall be submitted to the Division of
851 Florida Community Colleges and must be considered by the State



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852 Board of Education in making its decision to approve or deny a
853 Florida Community College System institution's proposal.

854 ~~(c) An alternative proposal submitted by a state university~~
855 ~~or private college or university to adequately address:~~

856 ~~1. The extent to which the workforce demand and unmet need~~
857 ~~described in the notice of intent will be met.~~

858 ~~2. The extent to which students will be able to complete~~
859 ~~the degree in the geographic region proposed to be served by the~~
860 ~~Florida College System institution.~~

861 ~~3. The level of financial commitment of the college or~~
862 ~~university to the development, implementation, and maintenance~~
863 ~~of the specified degree program, including timelines.~~

864 ~~4. The extent to which faculty at both the Florida College~~
865 ~~System institution and the college or university will~~
866 ~~collaborate in the development and offering of the curriculum.~~

867 ~~5. The ability of the Florida College System institution~~
868 ~~and the college or university to develop and approve the~~
869 ~~curriculum for the specified degree program within 6 months~~
870 ~~after an agreement between the Florida College System~~
871 ~~institution and the college or university is signed.~~

872 ~~6. The extent to which the student may incur additional~~
873 ~~costs above what the student would expect to incur if the~~
874 ~~program were offered by the Florida College System institution.~~

875 ~~(d)~~ Each proposal submitted by a Florida Community College
876 System institution to, at a minimum, include:

877 1. A description of the planning process and timeline for
878 implementation.

879 2. A justification for the proposed baccalaureate degree
880 program including, at a minimum, a data-driven ~~An~~ analysis of



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881 workforce demand and unmet need for graduates of the program on
882 a district, regional, or statewide basis, as appropriate, and
883 the extent to which the proposed program will meet the workforce
884 demand and unmet need. The analysis must include workforce and
885 employment data for the most recent 5 years and projections for
886 the next 3 years, and a summary of degree programs, similar to
887 the proposed degree program, which are currently offered by
888 state universities or by independent nonprofit colleges or
889 universities that are eligible to participate in the William L.
890 Boyd, IV, Florida Resident Access Grant Program, which are
891 located in the Florida Community College System institution's
892 regional service area. The analysis must be verified by more
893 than one third-party professional entity that is ~~including~~
894 evidence from entities independent of the Florida Community
895 College System institution. A Florida Community College System
896 institution must submit the justification to the Division of
897 Florida Community Colleges within 90 days after forwarding the
898 institution's intent to propose a baccalaureate degree program.
899 The division must forward the justification for the proposed
900 baccalaureate degree program within 10 business days after
901 receiving such justification to the Chancellor of the State
902 University System, the President of the Independent Colleges and
903 Universities of Florida, and the Executive Director of the
904 Commission for Independent Education.

905 3. Identification of the facilities, equipment, and library
906 and academic resources that will be used to deliver the program.

907 4. The program cost analysis of creating a new
908 baccalaureate degree when compared to ~~alternative proposals and~~
909 other program delivery options.



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910 5. The program's admission requirements, academic content,
911 curriculum, faculty credentials, student-to-teacher ratios, and
912 accreditation plan.

913 6. The program's enrollment projections and funding
914 requirements, including the institution's efforts to sustain the
915 program at the cost of tuition and fees for students who are
916 classified as residents for tuition purposes under s. 1009.21,
917 not to exceed \$10,000 for the entire degree program, including
918 utilization of waivers pursuant to s. 1009.26(11).

919 7. A plan of action if the program is terminated.

920 (d)(e) The Division of Florida Community Colleges to review
921 the proposal, notify the Florida Community College System
922 institution of any deficiencies in writing within 30 days
923 following receipt of the proposal, and provide the Florida
924 Community College System institution with an opportunity to
925 correct the deficiencies. Within 45 days following receipt of a
926 completed proposal by the Division of Florida Community
927 Colleges, after consultation with the Chancellor of the State
928 University System and the President of the Independent Colleges
929 and Universities of Florida, the Commissioner of Education shall
930 recommend approval or disapproval of the proposal to the State
931 Board of Education. The State Board of Education shall consider
932 such recommendation, the proposal, input from the chancellor and
933 the president, and any objections ~~or alternative proposals~~ at
934 its next meeting. If the State Board of Education disapproves
935 the Florida Community College System institution's proposal, it
936 shall provide the Florida Community College System institution
937 with written reasons for that determination.

938 (e)(f) The Florida Community College System institution to



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939 obtain from the Commission on Colleges of the Southern
940 Association of Colleges and Schools accreditation as a
941 baccalaureate-degree-granting institution if approved by the
942 State Board of Education to offer its first baccalaureate degree
943 program.

944 ~~(f)~~ ~~(g)~~ The Florida Community College System institution to
945 notify the Commission on Colleges of the Southern Association of
946 Colleges and Schools of subsequent degree programs that are
947 approved by the State Board of Education and to comply with the
948 association's required substantive change protocols for
949 accreditation purposes.

950 ~~(g)~~ ~~(h)~~ The Florida Community College System institution to
951 annually report to, ~~and upon request of~~ the State Board of
952 Education, the Commissioner of Education, the Chancellor of the
953 Florida Community College System, the Chancellor of the State
954 University System, and ~~of~~ the Legislature, ~~report~~ its status
955 using the following performance and compliance indicators:

- 956 1. Obtaining and maintaining appropriate Southern
957 Association of Colleges and Schools accreditation;
- 958 2. Maintaining qualified faculty and institutional
959 resources;
- 960 3. Maintaining enrollment in previously approved programs;
- 961 4. Managing fiscal resources appropriately;
- 962 5. Complying with the primary mission and responsibility
963 requirements in subsections (2) and (3); ~~and~~
- 964 6. Other indicators of success, including program
965 completions, employment and earnings outcomes, acceptance into
966 and performance in graduate programs ~~placements~~, and surveys of
967 graduates and employers; and



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968 7. Continuing to meet workforce demand, as provided in
969 subparagraph (c)2., as demonstrated through a data-driven needs
970 assessment by the Florida Community College System institution,
971 which is verified by a third-party professional entity that is
972 independent of the institution.

973
974 The State Board of Education, upon annual review of the
975 baccalaureate degree program performance and compliance
976 indicators and needs assessment, may require a Florida Community
977 College System institution's board of trustees to modify or
978 terminate a baccalaureate degree program authorized under this
979 section. However, if the annual review indicates negative
980 program performance and compliance results and the needs
981 assessment fails to demonstrate a need for the program, the
982 State Board of Education shall require a Florida Community
983 College System institution's board of trustees to terminate that
984 baccalaureate degree program.

985 (6) The total upper level, undergraduate full-time
986 equivalent enrollment at a Florida Community College System
987 institution may not exceed 5 percent of the combined total lower
988 level and upper level full-time equivalent enrollment at that
989 institution.

990 Section 17. Section 1008.38, Florida Statutes, is amended
991 to read:

992 1008.38 Articulation accountability process.—The State
993 Board of Education, in conjunction with the Board of Governors,
994 shall develop articulation accountability measures which assess
995 the status of systemwide articulation processes authorized under
996 s. 1007.23, preserve Florida's "2+2" system of articulation, and



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997 establish an articulation accountability process which at a
998 minimum shall address:

999 (1) The impact of articulation processes on ensuring
1000 educational continuity and the orderly and unobstructed
1001 transition of students between public secondary and
1002 postsecondary education systems and facilitating the transition
1003 of students between the public and private sectors.

1004 (2) The adequacy of preparation of public secondary
1005 students to smoothly articulate to a public postsecondary
1006 institution.

1007 (3) The effectiveness of articulated acceleration
1008 mechanisms available to secondary students and the application
1009 of credit hours earned through CAPE industry certifications
1010 pursuant to s. 1008.44 and acceleration mechanisms, including
1011 nationally standardized examinations, to general education,
1012 associate degree, or baccalaureate degree requirements.

1013 (4) The smooth transfer of Florida Community College System
1014 associate degree graduates to a Florida Community College System
1015 institution or a state university, and the application of credit
1016 hours earned at Florida Community College System institutions to
1017 general education, associate degree, or baccalaureate degree
1018 requirements at state universities.

1019 (5) An examination of degree requirements that exceed the
1020 parameters of 60 credit hours for an associate degree and 120
1021 hours for a baccalaureate degree in public postsecondary
1022 programs.

1023 (6) The relationship between student attainment of college-
1024 level academic skills and articulation to the upper division in
1025 public postsecondary institutions.



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1026 Section 18. The State Board of Education, in collaboration
1027 with the Board of Governors, shall evaluate and report on the
1028 status of Florida's "2+2" system of articulation using the
1029 accountability measures required pursuant to this section and
1030 any other state law. By November 1, 2016, the state board and
1031 the Board of Governors shall submit their report to the
1032 Governor, the President of the Senate, and the Speaker of the
1033 House of Representatives. The report must include findings
1034 regarding the status of Florida's "2+2" system of articulation
1035 and recommendations for improvement.

1036 Section 19. The Division of Law Revision and Information is
1037 directed to prepare a reviser's bill for the 2016 Regular
1038 Session to conform the Florida Statutes to the changes in
1039 terminology made by this act. The reviser's bill must substitute
1040 the term "Division of Florida Community Colleges" for "Division
1041 of Florida Colleges"; "Florida Community College System" for
1042 "Florida College System"; and "Florida Community College System
1043 institution" for "Florida College System institution" where
1044 those terms appear in the Florida Statutes and reflect the
1045 renaming of Florida community colleges in relevant sections of
1046 law.

1047 Section 20. This act shall take effect July 1, 2015.

1048
1049 ===== T I T L E A M E N D M E N T =====

1050 And the title is amended as follows:

1051 Delete everything before the enacting clause
1052 and insert:

1053 A bill to be entitled
1054 An act relating to higher education; amending s.



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1055 1000.03, F.S.; revising the mission of the Florida K-
1056 20 education system; amending s. 1000.21, F.S.;
1057 revising definitions to conform to the renaming of
1058 "Florida College System institution" to "Florida
1059 Community College System institution"; requiring a
1060 Florida Community College System institution to change
1061 its name by a specified date to maintain eligibility
1062 for state funding; amending s. 1001.02, F.S.; revising
1063 the duties of the State Board of Education with
1064 respect to the supervision of the divisions of the
1065 Department of Education; amending s. 1001.03, F.S.;
1066 revising requirements for the state board's
1067 articulation accountability measures; authorizing the
1068 state board to take certain action in the event of
1069 noncompliance of a district school board or a Florida
1070 Community College System institution board of
1071 trustees; defining the term "college"; specifying
1072 authorized and prohibited uses of the term; conforming
1073 provisions to changes made by the act; amending s.
1074 1001.42, F.S.; prohibiting a technical center
1075 governing board from approving specified courses and
1076 programs; amending s. 1001.44, F.S.; prescribing the
1077 mission and responsibilities of a career center
1078 operated by a district school board; specifying
1079 certain restrictions applicable to a career center;
1080 amending s. 1001.60, F.S.; redesignating the "Florida
1081 College System" as the "Florida Community College
1082 System"; revising provisions relating to the name
1083 change of an institution; amending s. 1001.705, F.S.;



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1084 prescribing the mission and responsibilities of the
1085 State University System; amending s. 1001.7065, F.S.;
1086 requiring a state research university to enter into
1087 and maintain a formal agreement with a specified
1088 organization to offer college-sponsored merit
1089 scholarship awards as a condition of designation as a
1090 preeminent state research university; specifying that
1091 continuation of a state research university's
1092 institute for online learning is contingent on the
1093 university entering into and maintaining such an
1094 agreement; amending s. 1002.34, F.S.; prescribing the
1095 mission and responsibilities of a charter technical
1096 career center; specifying certain restrictions
1097 applicable to a charter technical career center;
1098 amending s. 1004.015, F.S.; revising the composition
1099 of the Higher Education Coordinating Council; amending
1100 s. 1004.65, F.S.; providing that Florida Community
1101 College System institutions may offer upper level
1102 instruction and award baccalaureate degrees, as
1103 authorized; conforming provisions to changes made by
1104 the act; amending s. 1004.92, F.S.; revising
1105 requirements for program standards for career, adult,
1106 and community education programs; requiring the state
1107 board to adopt rules; amending s. 1007.01, F.S.;
1108 revising required components for articulation policies
1109 established and adopted by the state board and the
1110 Board of Governors; amending s. 1007.23, F.S.;
1111 revising requirements for the statewide articulation
1112 agreement; amending s. 1007.33, F.S.; revising



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1113 provisions regarding baccalaureate degree programs
1114 that may be offered by a Florida Community College
1115 System institution; prohibiting a Florida Community
1116 College System institution from offering a Bachelor of
1117 Arts degree program; removing obsolete language;
1118 revising provisions regarding the approval process for
1119 baccalaureate degree programs; restricting total upper
1120 level, undergraduate full-time equivalent enrollment
1121 at a Florida Community College System institution;
1122 amending s. 1008.38, F.S.; revising minimum
1123 requirements for an articulation accountability
1124 process; requiring the state board and the Board of
1125 Governors to submit a report to the Governor and the
1126 Legislature by a specified date; prescribing report
1127 requirements; providing a directive to the Division of
1128 Law Revision and Information; providing an effective
1129 date.



533238

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
	.	
	.	
	.	

The Committee on Higher Education (Legg) recommended the following:

1 **Senate Amendment to Amendment (694136) (with title**
2 **amendment)**

3
4 Between lines 744 and 745
5 insert:

6 Section 16. Subsection (3) of section 1007.273, Florida
7 Statutes, is amended to read:

8 1007.273 Collegiate high school program.—

9 (3) Each district school board and its local Florida
10 Community College System institution shall execute a contract to



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11 establish one or more collegiate high school programs at a
12 mutually agreed upon location or locations. The contract between
13 the district school board and the Florida Community College
14 System institution may not establish an enrollment cap for the
15 collegiate high school program. Each school district must
16 document and annually report to the department the number of
17 students accepted into or denied access to the collegiate high
18 school program. Each Florida Community College System
19 institution must document and annually report to the department
20 the percent of collegiate high school program students in its
21 institution relative to the total lower level full-time
22 equivalent enrollment at that institution. Beginning with the
23 2015-2016 school year, if the institution does not establish a
24 program with a district school board in its designated service
25 area, another Florida Community College System institution may
26 execute a contract with that district school board to establish
27 the program. The contract must be executed by January 1 of each
28 school year for implementation of the program during the next
29 school year. The contract must:

30 (a) Identify the grade levels to be included in the
31 collegiate high school program which must, at a minimum, include
32 grade 12.

33 (b) Describe the collegiate high school program, including
34 the delineation of courses and industry certifications offered,
35 including online course availability; the high school and
36 college credits earned for each postsecondary course completed
37 and industry certification earned; student eligibility criteria;
38 and the enrollment process and relevant deadlines.

39 (c) Describe the methods, medium, and process by which



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40 students and their parents are annually informed about the
41 availability of the collegiate high school program, the return
42 on investment associated with participation in the program, and
43 the information described in paragraphs (a) and (b).

44 (d) Identify the delivery methods for instruction and the
45 instructors for all courses.

46 (e) Identify student advising services and progress
47 monitoring mechanisms.

48 (f) Establish a program review and reporting mechanism
49 regarding student performance outcomes.

50 (g) Describe the terms of funding arrangements to implement
51 the collegiate high school program.

52

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

54 And the title is amended as follows:

55 Delete line 1112

56 and insert:

57 agreement; amending s. 1007.273, F.S.; revising
58 requirements for a contract between a district school
59 board and a Florida Community College System
60 institution for the administration of collegiate high
61 school programs; requiring school districts and
62 Florida Community College System institutions to
63 annually report specified information regarding
64 collegiate high school programs to the Department of
65 Education; amending s. 1007.33, F.S.; revising

By Senator Stargel

15-00931A-15

20151252__

1 A bill to be entitled
2 An act relating to higher education; amending s.
3 1001.03, F.S.; deleting a provision prohibiting the
4 State Board of Education from approving Florida
5 College System institution baccalaureate degree
6 program proposals during a certain timeframe; amending
7 s. 1004.015, F.S.; adding the Chancellor of Career and
8 Adult Education to the membership of the Higher
9 Education Coordinating Council; amending s. 1004.92,
10 F.S.; revising accountability measures for the
11 Department of Education regarding career education to
12 include program standards that reflect the quality
13 components of the career and technical education
14 programs; requiring the State Board of Education to
15 adopt rules; amending s. 1007.33, F.S.; deleting a
16 provision authorizing the Board of Trustees of St.
17 Petersburg College to establish additional
18 baccalaureate degree programs under certain
19 circumstances; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsection (15) of section 1001.03, Florida
24 Statutes, is amended to read:

25 1001.03 Specific powers of State Board of Education.—

26 (15) FLORIDA COLLEGE SYSTEM INSTITUTION BACCALAUREATE
27 DEGREE PROGRAMS.—The State Board of Education shall provide for
28 the review and approval of proposals by Florida College System
29 institutions to offer baccalaureate degree programs pursuant to

15-00931A-15

20151252__

30 s. 1007.33. A Florida College System institution, as defined in
31 s. 1000.21, that is approved to offer baccalaureate degrees
32 pursuant to s. 1007.33 remains under the authority of the State
33 Board of Education and the Florida College System institution's
34 board of trustees. ~~The State Board of Education may not approve
35 Florida College System institution baccalaureate degree program
36 proposals from March 31, 2014, through May 31, 2015.~~

37 Section 2. Subsection (2) of section 1004.015, Florida
38 Statutes, is amended to read:

39 1004.015 Higher Education Coordinating Council.—

40 (2) Members of the council shall include:

41 (a) One member of the Board of Governors, appointed by the
42 chair of the Board of Governors.

43 (b) The Chancellor of the State University System.

44 (c) The Chancellor of the Florida College System.

45 (d) The Chancellor of Career and Adult Education.

46 (e)~~(d)~~ One member of the State Board of Education,
47 appointed by the chair of the State Board of Education.

48 (f)~~(e)~~ The Executive Director of the Florida Association of
49 Postsecondary Schools and Colleges.

50 (g)~~(f)~~ The president of the Independent Colleges and
51 Universities of Florida.

52 (h)~~(g)~~ The president of Workforce Florida, Inc., or his or
53 her designee.

54 (i)~~(h)~~ The president of Enterprise Florida, Inc., or a
55 designated member of the Stakeholders Council appointed by the
56 president.

57 (j)~~(i)~~ Three representatives of the business community, one
58 appointed by the President of the Senate, one appointed by the

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59 Speaker of the House of Representatives, and one appointed by
60 the Governor, who are committed to developing and enhancing
61 world class workforce infrastructure necessary for Florida's
62 citizens to compete and prosper in the ever-changing economy of
63 the 21st century.

64 Section 3. Paragraph (b) of subsection (2) of section
65 1004.92, Florida Statutes, is amended to read:

66 1004.92 Purpose and responsibilities for career education.-

67 (2)

68 (b) Department of Education accountability for career
69 education includes, but is not limited to:

70 1. The provision of timely, accurate technical assistance
71 to school districts and Florida College System institutions.

72 2. The provision of timely, accurate information to the
73 State Board of Education, the Legislature, and the public.

74 3. The development of policies, rules, and procedures that
75 facilitate institutional attainment of the accountability
76 standards and coordinate the efforts of all divisions within the
77 department.

78 4. The development of program standards and industry-driven
79 benchmarks for career, adult, and community education programs,
80 which must be updated every 3 years. The standards must include
81 career, academic, and workplace skills; viability of distance
82 learning for instruction; ~~and~~ work/learn cycles that are
83 responsive to business and industry; and provisions that reflect
84 the quality components of career and technical education
85 programs. The State Board of Education shall adopt rules to
86 administer this section.

87 5. Overseeing school district and Florida College System

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88 institution compliance with the provisions of this chapter.

89 6. Ensuring that the educational outcomes for the technical
90 component of career programs are uniform and designed to provide
91 a graduate who is capable of entering the workforce on an
92 equally competitive basis regardless of the institution of
93 choice.

94 Section 4. Subsection (4) of section 1007.33, Florida
95 Statutes, is amended to read:

96 1007.33 Site-determined baccalaureate degree access.—

97 (4) A Florida College System institution may:

98 (a) Offer specified baccalaureate degree programs through
99 formal agreements between the Florida College System institution
100 and other regionally accredited postsecondary educational
101 institutions pursuant to s. 1007.22.

102 (b) Offer baccalaureate degree programs that were
103 authorized by law before ~~prior to~~ July 1, 2009.

104 (c) Beginning July 1, 2009, establish a first or subsequent
105 baccalaureate degree program for purposes of meeting district,
106 regional, or statewide workforce needs if approved by the State
107 Board of Education under this section.

108
109 Beginning July 1, 2009, the Board of Trustees of St. Petersburg
110 College is authorized to establish one or more bachelor of
111 applied science degree programs based on an analysis of
112 workforce needs in Pinellas, Pasco, and Hernando Counties and
113 other counties approved by the Department of Education. For each
114 program selected, St. Petersburg College must offer a related
115 associate in science or associate in applied science degree
116 program, and the baccalaureate degree level program must be

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117 designed to articulate fully with at least one associate in
118 science degree program. The college is encouraged to develop
119 articulation agreements for enrollment of graduates of related
120 associate in applied science degree programs. ~~The Board of~~
121 ~~Trustees of St. Petersburg College is authorized to establish~~
122 ~~additional baccalaureate degree programs if it determines a~~
123 ~~program is warranted and feasible based on each of the factors~~
124 ~~in paragraph (5) (d). However, the Board of Trustees of St.~~
125 ~~Petersburg College may not establish any new baccalaureate~~
126 ~~degree programs from March 31, 2014, through May 31, 2015.~~ Prior
127 to developing or proposing a new baccalaureate degree program,
128 St. Petersburg College shall engage in need, demand, and impact
129 discussions with the state university in its service district
130 and other local and regional, accredited postsecondary providers
131 in its region. Documentation, data, and other information from
132 inter-institutional discussions regarding program need, demand,
133 and impact shall be provided to the college's board of trustees
134 to inform the program approval process. Employment at St.
135 Petersburg College is governed by the same laws that govern
136 Florida College System institutions, except that upper-division
137 faculty are eligible for continuing contracts upon the
138 completion of the fifth year of teaching. Employee records for
139 all personnel shall be maintained as required by s. 1012.81.

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

APPEARANCE RECORD

Am 694136

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

3/23/15

Meeting Date

1252

Bill Number (if applicable)

Topic HIGHER ED

Amendment Barcode (if applicable)

Name NANCY STEPHENS

Job Title EXECUTIVE DIRECTOR

Address 1625 SUMMIT LAKE DR

Phone 850 402 2954

Street

TALLAHASSEE

FL

32317

Email nancy@nustephens.com

City

State

Zip

Speaking: For Against Information

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

Representing MANUFACTURERS ASSOCIATION OF FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

3/23/15

Meeting Date

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

SB 1252

Bill Number (if applicable)

Topic HIGHER EDUCATION

Amendment Barcode (if applicable)

Name DR. JIM HENNINGSON

Job Title CHAIR, COUNCIL OF PRESIDENTS, FLORIDA COLLEGE SYSTEM

Address 3001 SW COLLEGERD

Phone 321-377-6044

Street

OCALA

FL

34471

City

State

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Email HENNINGSON@CF.EDU

Speaking: For Against Information

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

Representing COUNCIL OF PRESIDENTS, FLORIDA COLLEGE SYSTEM

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.

Federal Law

The United States Congress enacted the National Apprenticeship Act (also known as the Fitzgerald Act in honor of its author, Congressman William J. Fitzgerald)² in 1937.³ Following the passage of the act, RA programs consisted mainly of manufacturing, construction, and utilities industries.⁴ Since 1937, RA programs have grown to 24,000 programs providing education and training to approximately 400,000 apprentices in emerging and high-growth sectors such as energy conservation, health care, and information technology, in addition to traditional industries such as manufacturing and construction.⁵ “As the need for skilled workers increases and our economy faces greater global competition, RA continues to be a competitive advantage for all parties—individuals, businesses, labor management organizations, education, the workforce investment system and government. For these reasons, [the Employment and Training Administration, U.S. Department of Labor] issued revised regulations that increase program flexibility to better serve the needs of today’s apprentices and program sponsors.”⁶

For apprentices and program sponsors, the regulations:⁷

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

For State Apprenticeship Agencies (SSAs), the regulations:⁸

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

For the U.S. Department of Labor, the regulations:⁹

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

² U.S. Department of Labor, *Workforce System Results* (Sep. 30, 2012), available at <http://www.doleta.gov/Farmworker/pdf/workforceSystemResultsSept2012.pdf>, at 4 of 38.

³ U.S. Department of Labor, *Registered Apprenticeship*, <http://www.doleta.gov/oa/history.cfm> (last visited March 2, 2015); see 29 U.S.C., s. 50.

⁴ U.S. Department of Labor, *Registered Apprenticeship*, <http://www.doleta.gov/oa/history.cfm> (last visited March 2, 2015).

⁵ *Id.*

⁶ *Id.* “These revised regulations published, on October 29, 2008, update Title 29 CFR, part 29 and provide a framework that supports an enhanced, modernized apprenticeship system.” U.S. Department of Labor, *Regulations*, <http://www.doleta.gov/oa/regulations.cfm> (last visited March 2, 2015).

⁷ U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf, at 1-2 of 4.

⁸ U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf, at 2-3 of 4.

⁹ U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf, at 3 of 4.

Eligibility and Requirements

Registered apprenticeship program sponsors (i.e., employers, employer associations, and labor management organizations)¹⁰ identify the minimum qualifications to apply into their apprenticeship program.¹¹ An individual must be at least 16 years of age to be an apprentice.¹² In hazardous occupations, individuals must usually be 18 years of age.¹³ Program sponsors may also identify additional minimum qualifications and credentials to apply (e.g., education, ability to physically perform the essential functions of the occupation, and proof of age). All applicants are required to meet the minimum qualifications. Based on the selection method utilized by the sponsor, additional qualification standards, such as fair aptitude tests and interviews, school grades, and previous work experience may be identified.¹⁴

Program Length

Apprenticeship programs range from 1 year to 6 years, but the majority are 4 years in length.¹⁵ During the program, the apprentice receives both structured, on-the-job learning (OJL) and related classroom instruction (RTI).¹⁶ For each year of the apprenticeship, the apprentice typically receives 2,000 hours of on-the-job training and a recommended minimum of 144 hours of related classroom instruction.¹⁷

State Law

Florida law provides educational and training opportunities, in the form of apprenticeship and preapprenticeship programs, to prepare individuals in the state for trades, occupations, and professions suited to their abilities.¹⁸

An apprenticeship program means “an organized course of instruction, registered and approved by the department, which course shall contain all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices¹⁹ including such matters as the

¹⁰ Registered Apprenticeship program sponsors vary from small, privately owned businesses to national employer and industry associations. There are nearly 29,000 sponsors representing more than 250,000 employers, such as UPS, the United States Military Apprenticeship Program, Werner Enterprises, and CVS/pharmacy. U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

¹¹ U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

¹² *Id.*

¹³ U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

¹⁴ *Id.*

¹⁵ U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Section 446.011(1), F.S.

¹⁹ An apprentice means “a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which training should be combined with properly coordinated studies of technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.” Section 446.021(2), F.S. A journeyman means “a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.” Section 446.021(4), F.S. An apprenticeable occupation is a skilled trade which possesses all of the characteristics that are specified in law (e.g., customarily learned in a practical way through a structures, systemic program of on-the-job, supervised training and involves

requirements for a written apprenticeship agreement.”²⁰ A preapprenticeship program means “an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the department and sponsored by a registered apprenticeship program.”²¹

Duties of the Department of Education

The Department of Education (DOE or department) is responsible for administering, facilitating, and supervising registered apprenticeship programs (e.g., developing and encouraging apprenticeship programs, cooperating with and assisting apprenticeship sponsors to develop apprenticeship standards and training requirements, monitoring RA programs, investigating complaints regarding failure to meet the standards²² established by the department, and canceling registration of programs that fail to comply with the standards and policies of the department).²³

Additionally, the department, the district school boards, and the community college district boards of trustees must work together with existing apprenticeship programs so that individuals completing the preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.²⁴

The Commissioner of Education (commissioner) must recommend, at least annually, the CAPE Postsecondary Industry Certification Funding List to the State Board of Education (SBE or state board) and may at any time recommend adding industry certifications.²⁵ The Chancellor of the State University System, the Chancellor of the Florida College System, and the Chancellor of Career and Adult Education must work with local workforce boards, other postsecondary institutions, businesses, and industry to identify, create, and recommend to the commissioner industry certifications to be placed on the funding list.²⁶

State Apprenticeship Advisory Council

The purpose of the State Apprenticeship Advisory Council (Council) is to advise the department on matters related to apprenticeship.²⁷ The Council is comprised of 10 voting members appointed

manual, mechanical, or technical skills and knowledge which require a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction). Section 446.092, F.S.

²⁰ Section 446.021(6), F.S.

²¹ Section 446.021(5), F.S.

²² The Department of Education (DOE or department) is responsible for developing apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and assisting district school boards and community college district boards of trustees in developing preapprenticeship programs. Sections 446.011(2), 446.032, and 446.052, F.S. Uniform minimum preapprenticeship standards means “the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards for admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit which may be given to preapprenticeship graduates upon acceptance into the apprenticeship program.” Section 446.021(8), F.S.

²³ Section 446.041, F.S.

²⁴ Section 446.052(3), F.S.

²⁵ Section 1008.44(2), F.S.

²⁶ *Id.*

²⁷ Section 446.045(2)(a), F.S.

by the Governor and two ex officio nonvoting members.²⁸ The Commissioner of Education or the commissioner's designee must serve ex officio as chair of the Council, but may not vote.²⁹

III. Effect of Proposed Changes:

SB 1522 primarily fosters collaboration between the Department of Education (DOE) and the Department of Economic Opportunity (DEO) to identify and recommend apprenticeship and preapprenticeship programs that are aligned with the state and regional workforce needs and requires DOE to submit to the Governor, President of the Senate, Speaker of the House of Representatives, and the Higher Education Coordinating Council, program accountability and operational reports. This provision will facilitate the engagement of both the educational entities and the business community, as partners, in preparing individuals with the necessary skills to secure gainful employment and meet the workforce needs of the state. In addition, the bill also amends definition of apprenticeship and preapprenticeship programs and journeyworker.

The bill specifies accountability and operational reporting requirements for DOE and DEO regarding preapprenticeship and apprenticeship programs.

Annual Accountability Report

The bill requires DOE to collaborate with DEO to identify and recommend apprenticeship and preapprenticeship programs that are aligned with the statewide demand for a skilled labor force in high-demand occupations and to regional workforce needs. Beginning with the 2015-2016 fiscal year, annually by December 31, DOE must, in collaboration with DEO, must submit to the Governor, President of the Senate, Speaker of the House of Representatives, and the Higher Education Coordinating Council, an accountability report on the status and summary information regarding program and student performance outcomes. The accountability report may assist with creating a purposeful approach for the state to strategically invest in apprenticeship and preapprenticeship programs based on employers' needs.

In addition, DOE must post on the department website, program information which, at a minimum, must include program admission requirements, program standards and training requirements, and a summary of program and student performance outcomes. Such information may create public awareness about the apprenticeship and preapprenticeship programs which could boost program enrollment and sponsorship.

Operational Report

The bill requires DOE, in collaboration with DEO, to submit to the Governor, President of the Senate, Speaker of the House of Representatives, and the Higher Education Coordinating Council, an operational report by December 31, 2015. The operational report must summarize:

- The strategies employed by DOE and DEO to engage school districts, Florida College System institutions, technical centers, and businesses as partners in the workforce system to expand employment opportunities for individuals including, but not limited to, individuals with unique abilities, which must include work-based learning experiences such as

²⁸ *Id.*

²⁹ Section 446.045(2)(b), F.S.

apprenticeships and preapprenticeships. The partnership may facilitate the consolidation of efforts to educate and train individuals to meet workforce needs of the state.

- Recommendations made by DOE and DEO to gain efficiency in program funding and make program governance changes to improve the delivery and management of apprenticeship and preapprenticeship programs based on workforce needs.
- Recommendations and strategies for DEO to ensure that employers in the state have access to information and consultative services, at no cost to the employers, regarding sponsorship of demand-driven registered apprenticeship and preapprenticeship programs. This provision is similar to the mission of South Carolina's Apprenticeship Carolina™ program which is to make "certain all employers in South Carolina have access to information and consultative services, at no charge, regarding sponsorship of a demand-driven registered apprenticeship program."³⁰ The goal of the provision is that businesses in Florida be able to access the necessary information to start or continue sponsoring apprenticeship and preapprenticeship programs.

Additionally, the bill modifies the definition of preapprenticeship and apprenticeship programs and journeyworker. The bill:

- Expands the definitions of apprenticeship and preapprenticeship programs by specifying that the organized course of instruction associated with the two programs include, but not be limited to, industry certifications that are identified on the industry certification funding list and adopted in rule by the State Board of Education. Industry certifications demonstrate to potential employers, mastery of specific skills, abilities, and competencies associated with such industry-approved certifications.
- Clarifies, in its definition, that a journeyworker is a mentor, technician, specialist, or other skilled worker who has documented attainment of skills and knowledge of an occupation, through formal apprenticeship or practical, on-the-job experience or formal training. The bill also makes conforming changes to relevant statutes to reflect the change to the definition of a journeyworker.

The bill takes effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³⁰ Apprenticeship Carolina™ SC Technical College System, *About Us*, <http://www.apprenticeshipcarolina.com/about.html> (last visited March 2, 2015).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 446.021, 446.032, 446.052, and 446.091.

This bill creates undesignated section of Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Detert

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1 A bill to be entitled
2 An act relating to workforce training; amending s.
3 446.021, F.S.; redefining terms; amending s. 446.032,
4 F.S.; conforming a provision to changes made by the
5 act; requiring the Department of Education, in
6 collaboration with the Department of Economic
7 Opportunity, to identify and recommend specified
8 apprenticeship programs; requiring the department to
9 annually submit an accountability report with
10 specified requirements to the Governor, the
11 Legislature, and the Higher Education Coordinating
12 Council; requiring the department to post on its
13 Internet website specified information regarding
14 apprenticeship programs; amending s. 446.052, F.S.;
15 requiring the Department of Education, in
16 collaboration with the Department of Economic
17 Opportunity, to identify and recommend specified
18 preapprenticeship programs; requiring the department
19 to annually submit an accountability report with
20 specified requirements to the Governor, the
21 Legislature, and the Higher Education Coordinating
22 Council; requiring the department to post on its
23 Internet website specified information regarding
24 preapprenticeship programs; requiring the Department
25 of Education, in collaboration with the Department of
26 Economic Opportunity to submit an operational report
27 to the Governor, the Legislature, and the Higher
28 Education Coordinating Council with specified
29 information; amending s. 446.091, F.S.; conforming a

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30 provision to changes made by the act; providing an
31 effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Subsections (2), (4), (5), and (6) of section
36 446.021, Florida Statutes, are amended to read:

37 446.021 Definitions of terms used in ss. 446.011-446.092.—
38 As used in ss. 446.011-446.092, the term:

39 (2) "Apprentice" means a person at least 16 years of age
40 who is engaged in learning a recognized skilled trade through
41 actual work experience under the supervision of journeyworker
42 ~~journeymen~~ craftsmen, which training should be combined with
43 properly coordinated studies of related technical and
44 supplementary subjects, and who has entered into a written
45 agreement, which may be cited as an apprentice agreement, with a
46 registered apprenticeship sponsor who may be ~~either~~ an employer,
47 an association of employers, or a local joint apprenticeship
48 committee.

49 (4) "Journeyworker" "Journeyman" means a worker who has
50 attained certain skills, abilities, and competencies and who is
51 recognized within an industry as having mastered the skills and
52 competencies required for the occupation. The term includes a
53 mentor, technician, or specialist or any other skilled worker
54 who has documented sufficient skills and knowledge of an
55 occupation, through formal apprenticeship or through practical,
56 on-the-job experience or formal training ~~a person working in an~~
57 ~~apprenticeable occupation who has successfully completed a~~
58 ~~registered apprenticeship program or who has worked the number~~

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59 ~~of years required by established industry practices for the~~
60 ~~particular trade or occupation.~~

61 (5) "Preapprenticeship program" means an organized course
62 of instruction, including, but not limited to, industry
63 certifications identified under s. 1008.44, in the public school
64 system or elsewhere, which course is designed to prepare a
65 person 16 years of age or older to become an apprentice and
66 which course is approved by and registered with the department
67 and sponsored by a registered apprenticeship program.

68 (6) "Apprenticeship program" means an organized course of
69 instruction, including, but not limited to, industry
70 certifications identified under s. 1008.44, registered and
71 approved by the department, which course shall contain all terms
72 and conditions for the qualifications, recruitment, selection,
73 employment, and training of apprentices including such matters
74 as the requirements for a written apprenticeship agreement.

75 Section 2. Section 446.032, Florida Statutes, is amended to
76 read:

77 446.032 General duties of the department for apprenticeship
78 training.—The department shall:

79 (1) Establish uniform minimum standards and policies
80 governing apprentice programs and agreements. The standards and
81 policies shall govern the terms and conditions of the
82 apprentice's employment and training, including the quality
83 training of the apprentice for, but not limited to, such matters
84 as ratios of apprentices to journeyworkers ~~journeymen~~, safety,
85 related instruction, and on-the-job training; but these
86 standards and policies may not include rules, standards, or
87 guidelines that require the use of apprentices and job trainees

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88 on state, county, or municipal contracts. The department may
89 adopt rules necessary to administer the standards and policies.

90 (2) Establish procedures to be used by the State
91 Apprenticeship Advisory Council.

92 (3) Collaborate with the Department of Economic Opportunity
93 to identify and recommend apprenticeship programs that are
94 aligned with statewide demand for a skilled labor force in high-
95 demand occupations and to regional workforce needs. Beginning in
96 the 2015-2016 fiscal year, the department must annually, by
97 December 31, submit an accountability report, which must include
98 the status and summary information regarding program and student
99 performance outcomes and requirements associated with
100 apprenticeship programs, to the Governor, the President of the
101 Senate, the Speaker of the House of Representatives, and the
102 Higher Education Coordinating Council.

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

- 105 (a) Program admission requirements;
106 (b) Program standards and training requirements; and
107 (c) A summary of program and student performance outcomes.

108 Section 3. Subsections (5) and (6) are added to section
109 446.052, Florida Statutes, to read:

110 446.052 Preapprenticeship program.—

111 (5) The department shall collaborate with the Department of
112 Economic Opportunity to identify and recommend preapprenticeship
113 programs that are aligned with statewide demand for a skilled
114 labor force in high-demand occupations and to regional workforce
115 needs. Beginning in the 2015-2016 fiscal year, the department
116 must annually, by December 31, submit an accountability report,

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117 which must include the status and summary information regarding
118 program and student performance outcomes and requirements
119 associated with preapprenticeship programs, to the Governor, the
120 President of the Senate, the Speaker of the House of
121 Representatives, and the Higher Education Coordinating Council.

122 (6) The department shall post on its Internet website
123 information regarding preapprenticeship programs, which must, at
124 a minimum, include:

125 (a) Program admission requirements;

126 (b) Program standards and training requirements; and

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

128 Section 4. Preapprenticeship and apprenticeship operational
129 report.—By December 31, 2015, the Department of Education, in
130 collaboration with the Department of Economic Opportunity, shall
131 submit an operational report to the Governor, the President of
132 the Senate, the Speaker of the House of Representatives, and the
133 Higher Education Coordinating Council summarizing:

134 (1) The strategies employed by the Department of Education
135 and the Department of Economic Opportunity to engage school
136 districts, Florida College System institutions, technical
137 centers, and businesses as partners in the workforce system to
138 expand employment opportunities for individuals, including, but
139 not limited to, those individuals with unique abilities, which
140 must include work-based learning experiences, such as
141 preapprenticeships and apprenticeships.

142 (2) Recommendations made by the Department of Education and
143 the Department of Economic Opportunity to gain efficiency in
144 program funding and make program governance changes to improve
145 the delivery and management of preapprenticeship and

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146 apprenticeship programs based on workforce needs.

147 (3) Recommendations and strategies for the Department of
148 Economic Opportunity to ensure that employers in the state have
149 access to information and consultative services, at no cost to
150 the employers, regarding sponsorship of demand-driven,
151 registered preapprenticeship and apprenticeship programs.

152 Section 5. Section 446.091, Florida Statutes, is amended to
153 read:

154 446.091 On-the-job training program.—All provisions of ss.
155 446.011-446.092 relating to apprenticeship and
156 preapprenticeship, including, but not limited to, programs,
157 agreements, standards, administration, procedures, definitions,
158 expenditures, local committees, powers and duties, limitations,
159 grievances, and ratios of apprentices and job trainees to
160 journeyworkers ~~journeymen~~ on state, county, and municipal
161 contracts, shall be appropriately adapted and made applicable to
162 a program of on-the-job training authorized under those
163 provisions for persons other than apprentices.

164 Section 6. This act shall take effect July 1, 2015.

3020

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

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

Thomas R. Grady

is duly appointed a member of the

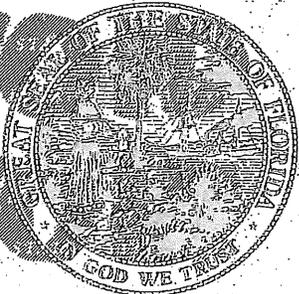
**Board of Trustees,
Florida Gulf Coast University**

for a term beginning on the
Third day of July, A.D., 2014,
until the Sixth day of January, A.D., 2016
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida at Tallahassee, the Capital, this
the Twenty-First day of August, A.D., 2014.*

Ken Detzner

Secretary of State



If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2014 AUG 20 AM 9:34

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Collier

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

Board of Trustees, Florida Gulf Coast University

(Title of Office)

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

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

Signature _____

Sworn to and subscribed before me this 24th day of August, 2014.

Denise R. Rakich
Signature of Officer Administering Oath or of Notary Public

Denise R. Rakich
Print, Type, or Stamp Commissioned Name of Notary Public



DENISE R. RAKICH
MY COMMISSION # FF 122494
EXPIRES: May 24, 2018
Bonded Thru Budget Notary Services

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

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

Mailing Address: Home Office

720 Fifth Avenue South, Suite 200
Street or Post Office Box
Naples, FL 34102
City, State, Zip Code

Thomas R. Grady
Print name as you desire commission issued

Signature _____



RICK SCOTT

GOVERNOR

RECEIVED

14 JUL 17 AM 9:32

DIVISION OF ELECTIONS
SECRETARY OF STATE

July 8, 2014

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

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 1001.71, Florida Statutes:

Mr. Thomas R. Grady
Post Office Box 10
Naples, Florida 34106

as a member of the Florida Gulf Coast University Board of Trustees, succeeding Dorene McShea, subject to confirmation by the Senate. This appointment is effective July 3, 2014, for a term ending January 6, 2016.

Sincerely,

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

Rick Scott
Governor

RS/pb

20209

109648

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

8/8/14

Date Completed

1. Name: Mr. Grady Thomas R.
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 720 Fifth Avenue South Suite 200 Naples
Street Office # City
Florida 34102 (239) 261-6555
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: USA
Street City County
P.O. Box 10, Naples FL 34106
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # _____ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
909 10th Street South, #201	Naples, FL 34102	6/30/14	Present
3675 Gordon Drive	Naples, FL 34102	2001	6/30/14

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From
None		

5. Date of Birth: _____ Place of Birth: _____

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

2014 AUG 20 AM 9:34
DIVISION OF ELECTIONS
TALLAHASSEE, FL
RECEIVED
DEPARTMENT OF STATE

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1958

11. Are you a registered Florida voter? Yes No If "Yes" list:
A. County of Registration: Collier B. Current Party Affiliation: Republican

12. Education

A. High School: Rockledge High School Year Graduated: 1976
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Brevard Community College	Fall 1975 to Spring 1976	None
Florida State University	Fall 1976 to Spring 1979	B.S., Business Administration
Duke University, College of Law	Fall 1979 to Spring 1982	J.D.

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
GradyLaw	Law Firm	Attorney	1984 to Present
Citizens Property Insurance Co.	Insurance	Interim President	March 2012 to June 2012
State of Florida	Office of Financial Regulation	Commissioner	August 2011 to March 2012

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

See attached

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

See attached

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

See attached

D. Identify all association memberships and association offices held by you that relate to this appointment:

See attached

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
State Representative	11/4/2008	2 years	State

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: N/A

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>N/A</u>		

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: _____

B. Term of Appointment: _____

C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
License No. 910453	06/01/1982	Collier County	None
License No. [Unknown]	06/01/1982	City of Naples	None
License No. 112103	02/27/2014	Monroe County	None

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
Superfluous Registration as Commissioner of Office of Financial Regulation	N/A

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Edward A. Morton			
J. Dudley Goodlette			
Wendy Link			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
The Florida Bar	651 East Jefferson Street Tallahassee, FL 32399	Member	1982 to Present

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) _____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

THOMAS R. GRADY

Professional

GRADYLAW™

- Attorney (Shareholder): Financial industry law and consulting (including Investment Company, Investment Advisor, Fiduciary, Issuer, Broker/Dealer, Registration, Structured Products, Municipal Finance, Risk Management and Insurance Matters) (1992 -)
- Mediator: Florida Supreme Court Certified Circuit Court Mediator
- Instructor/Panelist: AAA, NYSE, ASE, FINRA (NASD), NASAA, Joint NASAA/Florida Office of Financial Regulation; Practicing Law Institute, ABA, CPR Institute for Dispute Resolution, Florida Institute of Certified Public Accountants
- Arbitrator: Securities Panel Member (national roster), American Arbitration Association; United States District Court; Financial Industry Regulatory Authority (FINRA); New York Stock Exchange

Citizens Property Insurance Corporation*

- Interim President and Chief Executive Officer (2012)

Florida Office of Financial Regulation*

- Commissioner (Cabinet appointment) (2011-2012)

Florida House of Representatives*

- Member, District 76 (2008-2010)
- Vice Chair, Insurance, Business and Financial Affairs Committee

Pure Assets Management Co.

- Portfolio manager (previously general securities principal and agent (Series 7, 24, 63))

Board and Advisory

Barbara Bush Foundation for Family Literacy, Florida Celebration of Reading (Co-Chair, 2002 -)
Collier County Education Foundation (Member, Board of Directors, 1992-1996)
First National Bank of the Gulf Coast (Member, Board of Directors, 2006-2007)
Florida Gulf Coast University Foundation, Inc. (Member, Board of Directors, 2009-2010)
Forum Club of Southwest Florida (Member, Board of Directors, 1998-2002)
Junior Achievement Business Leadership Hall of Fame (Member, Advisory Board, 1996-1998)
Leadership Collier (Alumni, 1990)
NCH Healthcare System (Member, Board of Trustees, 2002-2006)
Port Royal Properties Group, Inc. (licensed real estate broker) (Member, Board of Directors 1986 -)
Securities Industry Conference on Arbitration (SICA) (Public Member, 1995-2002; Public Member Emeritus, 2003 -)
Youth Development Foundation of Collier County (Member, Board of Directors, 1996-; Chairman, 2006-)

Education

Duke University, J.D., with distinction
Florida State University, B.S., Business Administration, summa cum laude

0514

*** Direct Reports within the Florida House, the OFR and Citizens Property Insurance Corporation:**

Florida Financial Services Commission:

Governor Rick Scott, General Pam Bondi, Chief Financial Officer Jeff Atwater,
Commissioner Adam Putnam

Speakers of the Florida House: Larry Cretul, Dean Cannon and Will Weatherford

Presidents of the Florida Senate: Jeff Atwater, Mike Haridopolos, Don Gaetz

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DEPARTMENT OF STATE

2014 AUG 20 AM 9:35

DIVISION OF ELECTIONS
TALLAHASSEE, FL

CERTIFICATION

STATE OF FLORIDA
COUNTY OF Collier

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

Thomas R. Grady

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

Signature of Applicant-Affiant

Sworn to and subscribed before me this 4th day of August, 2014.

Denise R. Rakich

Signature of Notary Public-State of Florida

Denise R. Rakich



DENISE R. RAKICH
MY COMMISSION # FF 122494
EXPIRES: May 24, 2018
Bonded Thru Budget Notary Services

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

My commission expires: 5/24/18

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

3033

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

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

Thomas O'Malley

is duly appointed a member of the
Board of Trustees,
Florida Polytechnic University

for a term beginning on the
Twelfth day of May, A.D., 2014,
until the Thirtieth day of June, A.D., 2015
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida at Tallahassee, the Capital, this
the Twenty-Second day of August, A.D., 2014.*

Ken Detzner

Secretary of State



If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Palm Beach

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

Trustee for Florida Polytechnic University

(Title of Office)

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

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

[Signature]
Signature

Sworn to and subscribed before me this 13 day of June, 14

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

Print, Type, and Date of Notary Public



KAREN ATTAWAY
MY COMMISSION # FF 068339

Personally Known OR Produced Identification

Type of Identification Produced Passport

ACCEPTANCE

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

Mailing Address: Home Office

222 Lakeview Avenue, Suite 1510

Street or Post Office Box

West Palm Beach, FL 33401

City, State, Zip Code

Thomas D. O'Malley

Print name as you desire commission issued

[Signature]
Signature



RIK SCOTT
GOVERNOR

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DEPARTMENT OF STATE

2014 MAY 15 PM 2:27

DIVISION OF ELECTIONS
TALLAHASSEE, FL

May 13, 2014

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

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 1001.71, Florida Statutes:

Mr. Thomas O'Malley
222 Lakeview Avenue
West Palm Beach, Florida 33401

as a member of the Board of Trustees, Florida Polytechnic University Board of Trustees, succeeding Kevin Hyman, subject to confirmation by the Senate. This appointment is effective May 12, 2014, for a term ending June 30, 2015.

Sincerely,

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

Rick Scott
Governor

RS/pb

31572

109664

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

8/21/14
Date Completed

1. Name: Mr Thomas D. O'Malley
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 222 Lakeview Avenue, Suite 1510, West Palm Beach, FL 33401
Street Office # City

Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 101 El Bravo Way, Palm Beach, FL 33480
Street City County

Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # 561.659.5462
(optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
3006 SE Dune Drive,	Stuart, FL 34996	Nov 2010	April 2014

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
One Horse Island Rd,	Greenwich CT 06830	1984	2010
1 Seagate Rd	Greenwich CT 06830	1975	1985
Abercain	Zug Switzerland	1974	1975
Bayberry Ln	Westport Ct	1973	1974
Abercain	Zug Switzerland	1971	1973

5. Date of Birth: 20 July 1941 Place of Birth: New York, New York

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: FL

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

RECEIVED STATE DEPARTMENT OF STATE
2014 AUG 22 AM 9:54
DIVISION OF ELECTIONS
TALLAHASSEE, FL

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 2010

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Palm Beach B. Current Party Affiliation: Republican

12. Education

A. High School: St Peter's High School for Boys, Staten Island, NY Year Graduated: 1959
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>Manhattan College, NYC</u>	<u>1959 - 1963</u>	<u>MBA in Economics</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: 1964 - 1970

B. Branch or Component: US Army & US Airforce

C. Date & type of discharge: 1970 Honorable from US Airforce Reserve

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>PBF Energy, 222 Lakeview Ave, WPB 33401 - Energy</u>	<u>-</u>	<u>Executive Chairman</u>	<u>2008 - present</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Former Chairman of Board of Trustees of
Manhattan College Riverdale NY

Former Trustee Boston College Boston Main

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

none

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title	Date of Election or Appointment	Term of Office	Level of Government
--------------	---------------------------------	----------------	---------------------

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Ed Kosak			
Jay Allen			
B. b LAVITA			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
AFPM -	1667 K Street NW, Washington DC 20006	Director	2011 - 2013

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

THOMAS D. O'MALLEY

Thomas D. O'Malley currently serves as Executive Chairman of PBF Energy Company LLC, a public Company listed on the New York Stock Exchange. PBF, a Fortune 150 Company, is the fifth largest independent crude oil refiner in the US.

From 1990 through 2011, Mr. O'Malley served as the CEO and/or Chairman of various public companies in the energy sector. He has served on the Boards of Salomon Brothers, Tosco Corporation, Premcor Corp, Phillips Petroleum, Lowes Corp, Petroplus and Petsmart.

He has also served on the boards of many educational and charitable organizations, and recently retired as Chairman of the Board of Trustees for Manhattan College, his alma mater.

He has received many honors in recent years, including the Refining Leadership Award from Harts, the Director's Award for Global Vision from the Mercantile Exchange, the Humanitarian Award from the National Conference of Christians & Jews, the Ellis Island Medal of Honor and Manhattan College's De La Salle Medal. He was awarded an honorary Doctorate in Humane Letters by Manhattan College in 2012.

Born on Staten Island, New York, O'Malley earned his Bachelor's in Economics from Manhattan College in 1963 and now resides in Palm Beach, Florida. He and his wife, Mary Alice, have four grown children and eight grandchildren.

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) _____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

CERTIFICATION

STATE OF FLORIDA
COUNTY OF Palm Beach

Before me, the undersigned Notary Public of Florida, personally appeared
Thomas D. O'Malley, Sr.,
who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]
Signature of Applicant-Affiant

Sworn to and subscribed before me this 21st day of August, 2014

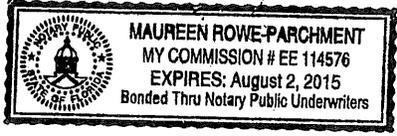
Maureen Rowe-Parchment
Signature of Notary Public-State of Florida

MAUREEN ROWE-PARCHMENT
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: August 2, 2015

Personally Known OR Produced Identification

Type of Identification Produced _____



(seal)

3035

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

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

Robert Gary Stern

is duly appointed a member of the

**Board of Trustees,
University of Florida**

for a term beginning on the
Fifth day of February, A.D., 2015
until the Sixth day of January, A.D., 2020
and is subject to be confirmed by the Senate
during the next regular session of the Legislature

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Seventh day of February, A.D., 2015.*



Ken Detzner

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Hillsborough

15 FEB 27 AM 10:28

DIVISION OF ELECTIONS
SECRETARY OF STATE

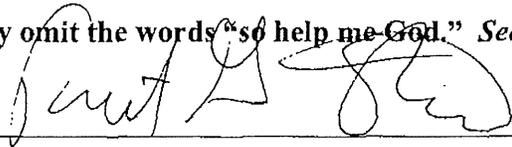
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

University of Florida Board of Trustees

(Title of Office)

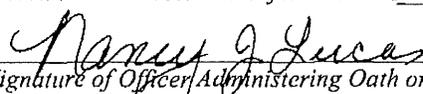
on which I am now about to enter, so help me God.

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



Signature

Sworn to and subscribed before me this 25th day of February, 2015.



Signature of Officer Administering Oath or of Notary Public

NANCY J LUCAS

Print, Type, or Stamp Commissioned Name of Notary Public



NANCY J. LUCAS
MY COMMISSION # FF 154742
EXPIRES: December 9, 2017
Bonded Third Budget Notary Services

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

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

Mailing Address: Home Office

101 E. Kennedy Blvd., Suite 2700

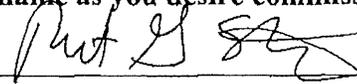
Street or Post Office Box

Tampa, Florida 33602

City, State, Zip Code

Robert Gary Stern

Print name as you desire commission issued



Signature



RICK SCOTT

GOVERNOR

RECEIVED
15 FEB 13 PM 12:43

SECRETARY OF STATE

February 5, 2015

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

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 1001.71, Florida Statutes:

Mr. Robert G. Stern
101 E. Kennedy Blvd.
Suite 2700
Tampa, Florida 33602

as a member of the Board of Trustees, University of Florida, succeeding C. David Brown, subject to confirmation by the Senate. This appointment is effective February 5, 2015, for a term ending January 6, 2020.

Sincerely,

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

Rick Scott
Governor

RS/pb

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

February 25, 2015
DIVISION OF ELECTIONS
SECRETARY OF STATE
Date Completed

1. Name: Mr. Stern Robert Gary
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 101 E. Kennedy Blvd., Suite 2700 Tampa
Street Office # City
Post Office Box 1102 FL 33602 813-223-7474
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 905 S. Rome Avenue Tampa Hillsborough
Street City County
FL 33606
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # 813-229-6553 (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
905 S. Rome Avenue	Tampa, Florida	July, 1998	Present

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
N/A			

5. Date of Birth: _____ Place of Birth: _____

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: FL

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: N/A

10. Since what year have you been a continuous resident of Florida? 1976

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Hillsborough

B. Current Party Affiliation: Republican

12. Education

A. High School: Orange Park High School, Orange Park, FL
(Name and Location)

Year Graduated: 1982

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>University of Florida, Gainesville, FL</u>	<u>1982-1986</u>	<u>BS BA</u>
<u>University of Florida, Gainesville, FL</u>	<u>1988-1990</u>	<u>J.D.</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
-------------	--------------	---------------	--------------------

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Trenam Kemker Law Firm</u> <u>101 E. Kennedy Blvd., #2700</u> <u>Tampa, FL 33602</u>	<u>Legal</u>	<u>Shareholder</u>	<u>1990-present</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
-----------------	-------------------------	-----------------------------

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I have substantial experience with our State University System and higher education. I was appointed by Governor Martinez and confirmed by the Florida Senate to serve on the Postsecondary Education Planning Commission. In addition, I enjoyed serving as an adjunct professor at both the University of South Florida and Stetson University College of Law. Having been raised in Florida and a product of public education, I understand the first-hand value and importance of providing both an affordable education and good job to our citizens.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

Juris Doctorate - University of Florida 1990

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

Goodwill Industries International, Inc.-International Board Leader's Award, 2007; Tampa Gator Club- Distinguished Alumni Award, 2007; Tampa Bay Business Journal "40 Under 40" Award Recipient; Florida Super Lawyers; Florida Trend Legal Elite; Best Lawyers In America; "AV" Rated Attorney by Martindale Hubbell; Certified by Florida Supreme Court as a "Board Certified Real Estate Attorney" 2000-Present.

D. Identify all association memberships and association offices held by you that relate to this appointment:

See Attachment "A".

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
Member, Postsecondary Education Planning Commission	1989	one year	State

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: six per year

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>Almost all</u>	<u>few</u>	<u>school or business</u>
_____	_____	_____
_____	_____	_____

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____
B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: Member Postsecondary Education Planning Commission
B. Term of Appointment: one year
C. Confirmation results: confirmed

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
<u>0885932</u>	<u>1991</u>	<u>Florida Bar</u>	<u>None</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
<u>Port Tampa Bay</u>	<u>Law Firm</u>	<u>Outside legal counsel</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
_____	_____
_____	_____
_____	_____

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Dr. Jason Rosenberg	_____	_____	_____
Pam Bondi	_____	_____	_____
J. Eric "Tate" Taylor	_____	_____	_____
_____	_____	_____	_____

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
See Attachment "A"	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

ATTACHMENT "A"

17. D. Identify all association memberships and association offices held by you that relate to this appointment:

Member- Postsecondary Education Planning Commission- Appointed by Governor Martinez
Former Adjunct Professor USF and Stetson College of Law
President - University of Florida National Alumni Association 2005-2006;
Chairman of the Board - Goodwill Industries-Suncoast 1998-2001;
Executive Council - Real Property, Probate & Trust Law Section of Florida Bar Association;
President-Tampa Gator Club;
President - Hillsborough County Bar Association, Young Lawyers Division;
Chairman - UF Student Affairs Advisory Council;
Palma Ceia Presbyterian Church- Elder
Tampa Chamber of Commerce
Hillsborough County Bar Association
Florida Bar Association, Executive Council, Real Property, Probate & Trust Law Section
Florida Bar Association, Chairman-Land Trust and REIT Committee
Florida Bar Association, Chairman-Real Estate Certification Review Course Committee
American Bar Association
Tampa Downtown Partnership Board of Directors
Tampa Bay Sports Commission Board of Directors
Real Estate Investment Council – REIC
National Association of Industrial & Office Properties
University of Florida Law School Alumni Council
University of Florida National Alumni Association-President and Life Member
University of Florida Government Relations Advisory Board
University of Florida Presidents' Council
University of Florida College of Business Advisory Counsel
University of Florida College of Law Board of Trustees
University of Florida Foundation
University of Florida Tampa Bay Regional Advisory Council
Gator Boosters

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

NAME	MAILING ADDRESS	OFFICE(S) HELD & TERM	DATE(S) OF MEMBERSHIP
------	-----------------	-----------------------	-----------------------

Board of Directors - Goodwill Industries-Suncoast; Executive Council - Real Property, Probate & Trust Law Section of Florida Bar Association; Tampa Gator Club; Hillsborough County Bar Association Palma Ceia Presbyterian Church- Elder Hillsborough County Bar Association Tampa Downtown Partnership Board of Directors Tampa Bay Sports Commission Board of Directors Real Estate Investment Council – REIC National Association of Industrial & Office Properties University of Florida National Alumni Association- University of Florida Government Relations Advisory Board University of Florida Presidents' Council University of Florida College of Business Advisory Counsel University of Florida College of Law Board of Trustees University of Florida Tampa Bay Regional Advisory Council Gator Boosters			
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RECEIVED

15 FEB 27 AM 10:28

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) _____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

CERTIFICATION

STATE OF FLORIDA

COUNTY OF Hillsborough

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

Robert Gary STERN,

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

[Handwritten Signature]

Signature of Applicant-Affiant

Sworn to and subscribed before me this 25th day of February, 2015.

Nancy J Lucas
Signature of Notary Public-State of Florida

NANCY J. LUCAS
(Print, Type, or Stamp Commissioned Name of Notary Public)



NANCY J. LUCAS
MY COMMISSION # FF 154742
EXPIRES: December 9, 2017
Handed Thru Budget Notary Services

My commission expires: _____

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

3005

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

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

Jeffrey P. Feingold

is duly appointed a member of the

**Board of Trustees,
Florida Atlantic University**

for a term beginning on the
Thirteenth day of February, A.D., 2015
until the Sixth day of January, A.D., 2020
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida at Tallahassee, the Capital, this
the Twenty-Seventh day of February, A.D., 2015*



Ken Detzner

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

15 FEB 27 AM 10: 23

County of Broward

DIVISION OF ELECTIONS
SECRETARY OF STATE

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

Florida Atlantic University Board of Trustees

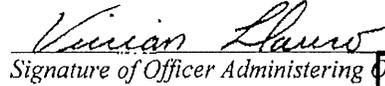
(Title of Office)

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

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


Signature

Sworn to and subscribed before me this 26 day of February, 2015.


Signature of Officer Administering Oath



Print, Type, or Stamp Commissioned Notary Public

Personally Known OR

Produced Identification

Type of Identification Produced _____

ACCEPTANCE

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

Mailing Address: Home Office

7410 Sedona Way

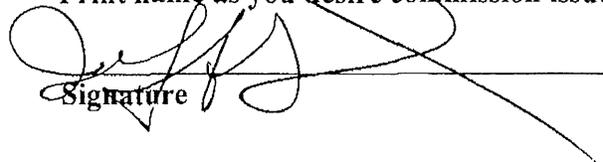
Street or Post Office Box

Delray Beach, FL 33446

City, State, Zip Code

Dr. Jeffrey Feingold

Print name as you desire commission issued


Signature



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2015 FEB 18 PM 3:32
DIVISION OF ELECTIONS
TALLAHASSEE, FL

February 16, 2015

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

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 1001.71, Florida Statutes:

Dr. Jeffrey P. Feingold
7410 Sedona Way
Delray Beach, Florida 33446

as a member of the Board of Trustees, Florida Atlantic University, subject to confirmation by the Senate. This appointment is effective February 13, 2015 for a term ending January 6, 2020.

Sincerely,

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

Rick Scott
Governor

RS/pb

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

15 FEB 27 2/26/2015
Date Completed

1. Name: Dr. Feingold Jeffrey
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 200 W. Cypress Creek Road 500 Ft. Lauderdale
Street Office # City
Florida 33309 800-494-6262
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 7410 Sedona Way Delray Beach Palm Beach
Street City County
Florida 33446
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # _____ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
7410 Sedona Way	Delray Beach, FL	2001	Present

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To

5. Date of Birth: _____ Place of Birth: _____

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1975

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Palm Beach

B. Current Party Affiliation: Republican

12. Education

A. High School: East Meadow High School

Year Graduated: 1963

(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>Tulane University, New Orleans, LA</u>	<u>09/63 - 06/67</u>	<u>BA</u>
<u>NYU College of Dentistry, New York, NY</u>	<u>09/67 - 06/71</u>	<u>DDS</u>
<u>Eastman Institute of Oral Health, Rochester, NY</u>	<u>09/71-06/72</u>	<u>Internship</u>
<u>Fairleigh Dickinson Dental School, Teaneck, NJ</u>	<u>1973-1975</u>	<u>MSD, Periodontology</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>MCNA Dental Plans, 200 W. Cypress Creek Rd, Ste. 500, Ft. Lauderdale, FL 33309 -</u>	<u>Dental Insurance-</u>	<u>President and CEO</u>	<u>1991- Present</u>
<u>Dentaland Dental Centers, 200 W. Cypress Creek Rd, Ste. 500, Ft. Lauderdale, FL 33309 -</u>	<u>Group Dental Practice-</u>	<u>President and CEO</u>	<u>1979- Present</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Public service is the highest calling. I have served on the FAU Board of Trustees for 5 years.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

DDS

1971 Internship

1972 Certificate of Periodontology

1975 MSD Master of Science

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

Honored by the Board of Trustees of Florida Atlantic University by the naming of the Dr. Jeffrey P. & Barbara S. Feingold Board of Trustees Room

D. Identify all association memberships and association offices held by you that relate to this appointment:

American Dental Association

Florida Dental Association

South Florida Dental Society

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
Board Member	03/01/2010	5 years	State, Florida Atlantic University

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Monthly

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>All meetings in the last 5 years</u>	<u>Less than five</u>	<u>Personal, Medical reasons</u>

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: Board Member, Florida Atlantic University

B. Term of Appointment: 5 years

C. Confirmation results: Confirmed

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
<u>DN5487, State Dental License</u>	<u>06/01/1971</u>	<u>Department of Health</u>	<u>None</u>

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
<u>MCNA Dental Plans</u>	<u>President and CEO</u>	<u>Florida Healthy Kids Corporation and State Dental Medicaid, AHCA</u>

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
MCNA Dental Plans	Son	COO	Florida Healthy Kids Corporation and State Dental Medicaid, AHCA

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Governor Rick Scott			
CFO Jeff Atwater			
Attorney General Pam Bondi			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
Republican Party of Florida	Tallahassee	Chairman Jewish Leadership Council	2007 to Present
Republican Jewish Coalition	50 F Street NW, #100, Washington, DC	National Board of Directors, FL	2007 to Present- State Chairman
Jewish Federation of South Palm Beach County,	9901 Donna Klein Blvd, Boca Raton, FL 33428	Board Member	2012

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

CERTIFICATION

RECEIVED

15 FEB 27 AM 10:23

DIVISION OF ELECTIONS
SECRETARY OF STATE

STATE OF FLORIDA
COUNTY OF Broward

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

Vivian LAURO

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


Signature of Applicant-Affiant

Sworn to and subscribed before me this 26th day of February, 2015.

Vivian Lauro
Signature of Notary Public-State of Florida

Vivian LAURO
(Print, Type, or Stamp Commissioned Name of Notary Public)
MY COMMISSION #FF186578
EXPIRES January 1, 2019
FloridaNotaryService.com
(407) 398-0153

My commission expires:

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

MEMORANDUM

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15 FEB 27 AM 10: 23

OFFICE OF ELECTORNS
SECRETARY OF STATE

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) _____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

4:42:54 PM Waive to close
4:42:57 PM Roll Call on SB 1522 - Favorable
4:43:25 PM SB 938 by Sen. Flores, presented by Aide - Maria Chamorro
4:44:03 PM Chair
4:44:07 PM Sen. Joyner
4:44:12 PM Maria
4:44:23 PM Sen. Benacquisto
4:44:28 PM Maria defer to Gov. Office
4:45:09 PM Ashley Spicola, Education Policy Coordinator, the Gov. Office
4:45:28 PM Sen. Benacquisto
4:45:34 PM Ashley
4:45:36 PM Sen. Gaetz
4:45:48 PM Ashley
4:47:13 PM Sen. Gaetz
4:47:41 PM Ashley
4:47:52 PM Sen. Gaetz
4:48:22 PM Sen. Braynon
4:48:38 PM Ashley
4:48:47 PM Sen. Braynon
4:48:54 PM Ashley
4:49:08 PM Sen. Braynon
4:49:20 PM Sen. Sachs
4:49:57 PM Ashley
4:50:14 PM Sen. Sachs
4:50:24 PM Ashley
4:50:58 PM Chair
4:51:00 PM Amendment #104094 by Sen. Benacquisto
4:51:27 PM Maria Chamorro, Legislative Assistant, to explain amendment
4:51:36 PM Chair
4:51:42 PM Sen. Joyner
4:51:52 PM Maria
4:52:17 PM Chair
4:52:22 PM Amendment adopted
4:52:28 PM On the bill as amended
4:52:33 PM Sen. Negron
4:52:59 PM Chair
4:53:01 PM TP the bill
4:53:14 PM Tab 3 - SB 942 by Sen. Gaetz
4:54:26 PM Chair
4:54:36 PM Sen. Gaetz waives to close
4:54:45 PM Roll Call on SB 942 - Favorable
4:55:04 PM Chair
4:55:07 PM Tab 4 - SB 948 by Sen. Gaetz
4:55:36 PM Chair
4:56:23 PM Amendment # 318464 by Sen. Gaetz
4:56:45 PM Amendment adopted
4:56:49 PM Amendment # 87998 by Sen. Gaetz
4:57:19 PM Chair
4:58:04 PM Amendment adopted
4:58:10 PM Amendment # 821776 by Sen. Gaetz
4:58:44 PM Chair
4:58:46 PM Sen. Joyner
4:59:03 PM Sen. Gaetz
4:59:38 PM Sen. Joyner
5:00:01 PM Sen. Gaetz
5:00:57 PM Chair
5:01:00 PM Sen. Joyner
5:01:16 PM Chair
5:01:23 PM Amendment adopted
5:01:28 PM Chair
5:01:30 PM Late Filed amendment # 740660 by Sen. Gaetz -
5:02:05 PM Sen. Gaetz

5:02:41 PM Chair
5:02:45 PM Amendment adopted
5:02:49 PM Back on bill as amended
5:02:59 PM Sen. Gaetz waives to close
5:03:07 PM Roll Call on CS/SB 948 - Favorable
5:03:49 PM Chair
5:03:51 PM Tab 7-10 -Senate Confirmation Hearings - Thomas R. Grady, Naples, Board of Trustees, Fla. Gulf Coast Univ.; Thomas D. O'Milley, Sr., Palm Beach, Board of Trustees, Florida Polytechnic Univ.; Robert Gary Stern, Tampa, Board of Trustees, U of F; Jeffrey P. Feingold, Delray Beach, Board of Trustees, Florida Atlantic Univ.
5:04:28 PM Roll Call on Confirmaiton's
5:04:53 PM
5:04:57 PM Roll Call on Confirmation's- favorable
5:05:13 PM Chair
5:05:14 PM Sen. Sachs is in chair
5:05:36 PM Sen. Stargel on SB 1252
5:06:06 PM Chair
5:06:09 PM Strike all Amendment #694136 by Sen. Negron
5:11:00 PM Chair
5:11:08 PM Amendment #533238 by Sen. Legg to amendment #694136 by Negron
5:11:51 PM Sen. Legg waives to close on amendment to amendment
5:12:00 PM Adopted
5:12:04 PM Chair
5:12:15 PM Sen. Joyner
5:13:22 PM Sen. Negron
5:13:52 PM Sen. Joyner
5:14:59 PM Sen. Negron
5:15:36 PM Chair
5:16:27 PM Sen. Negron
5:17:11 PM Chair
5:17:34 PM Nancy Stephens, ED, Manufacturers Assoc. of Florida, speak on amendment 694136
5:19:35 PM Chair
5:19:47 PM Sen. Simmons
5:23:45 PM Chair
5:23:52 PM Sen. Stargel
5:25:10 PM Chair
5:25:15 PM Sen. Gaetz
5:27:39 PM Chair
5:29:03 PM Sen. Negron
5:33:20 PM Chair - Strike All as amended - adopted
5:33:30 PM Chair - back on the bill as amended
5:33:39 PM Dr. Jim Henningsen, Chair, Council of Presidents, Florida College System, Ocala
5:36:38 PM Chair
5:36:48 PM Sen. Braynon
5:36:56 PM Chair
5:37:08 PM Sen. Braynon
5:37:33 PM Chair
5:37:44 PM Sen. Stargel waives to close on bill as amended
5:37:47 PM Chair
5:37:49 PM Roll Call on CS/SB 1252 - Favorable
5:38:13 PM Gavel back to Chair Stargel
5:38:20 PM Chair - Back to SB 938
5:38:29 PM Sen. Benacquisto moves to take up Amendment # 104094
5:38:39 PM Back on Amendment # 104094
5:38:44 PM Chair - Sen. Negron take up hand written amendment to amendment # 104094
5:39:09 PM Sen. Legg
5:39:25 PM Sen. Negron
5:40:15 PM Chair
5:40:21 PM Amendment is adopted
5:40:30 PM Chair - back on amendment as amended - adopted
5:40:44 PM Back on bill as amended
5:40:52 PM Ashley Spicola, Education Policy Coordinator, The Gov. Office, waive in support
5:41:03 PM Marshall Ogletree, Interim Exec. Director, United Faculty of Florida

5:42:25 PM Chair
5:43:34 PM Sen. Sachs
5:44:03 PM Chair
5:44:11 PM Roll Call on CS/SB 938 - Favorable
5:44:38 PM Sen. Gaetz wishes to be recorded as yes on SB 1252
5:44:55 PM Sen. Benacquisto as yes on all appointments
5:45:01 PM Sen. Clemens moves to rise
5:45:06 PM Meeting adjourned