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# **Education Appropriations Subcommittee**

## **Meeting Packet**

**February 2, 2016  
1:30 p.m. – 3:30 p.m.  
Morris Hall**



# **The Florida House of Representatives**

## **APPROPRIATION COMMITTEE**

Education Appropriations Subcommittee

**Steve Crisafulli**  
**Speaker**

**Erik Fresen**  
**Chair**

### **MEETING AGENDA**

Morris Hall

February 2, 2016

- I.** Meeting Called To Order
- II.** Opening Remarks by Chair
- III.** Consideration of the following bill(s):
  - CS/HB 669 - Educational Choice by Choice & Innovation Subcommittee and Rep. Sprowls
  - HB 705 - Qualifications for Educational Interpreters by K-12 Subcommittee and Rep. Berman
  - CS/HJR 759 - Statewide Charter School Authorizer by K-12 Subcommittee and Rep. Diaz, M.
  - HB 799 - Out-of-State Fee Waivers for Active Duty Service Members by Rep. Avila
  - HB 833 - Public School Recess by Reps. Plasencia, Cortes, B.
  - HB 907 - Youth Suicide Awareness and Prevention by Rep. Eagle
  - CS/HB 1155 - Membership Associations by K-12 Subcommittee and Rep. Eisnaugle
  - CS/HB 1157 - Postsecondary Education for Veterans by Higher Education & Workforce Subcommittee and Rep. Raburn
  - HB 1305 - Student Health by Rep. Eagle
  - HB 1359 - Vocational Rehabilitation by Rep. Fresen
  - CS/HB 1365 - Competency-based Education Pilot Program by Choice & Innovation Subcommittee and Rep. Rodrigues, R.
- IV.** Closing Remarks
- V.** Meeting Adjourned



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 669 Educational Choice  
**SPONSOR(S):** Choice & Innovation Subcommittee, Sprowls and others  
**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	8 Y, 3 N, As CS	Dehmer	Healy
2) Education Appropriations Subcommittee		Seifert	Heflin 
3) Education Committee			

**SUMMARY ANALYSIS**

The bill enhances K-20 fiscal transparency and revises provisions relating to public and private educational choice options by:

- Specifying that career and professional education (CAPE) digital tools, CAPE industry certifications, and collegiate high school programs are considered public educational choice options and the Florida Personal Learning Scholarship Account Program is a private educational choice option.
- Requiring that parents be provided information about the average amount expended per student in their child’s school.
- Authorizing district school board auditors to perform additional audits and reviews as directed by the school board.
- Requiring each district school board to allow parents to seek enrollment in, and transport his or her child to, any public school that has not reached capacity in the district.
- Requiring district school boards to establish a transfer process by which a parent may request that his or her child be transferred to another teacher.
- Providing that, beginning in the 2017-2018 school year, a parent may seek enrollment in, and transport his or her child to, any public school that has not reached capacity in the state.

The bill requires the Department of Education (DOE) to contract with the Center for Applied Economic Analysis at Florida Polytechnic University to determine the portability of the local portion of the Florida Education Finance Program (FEFP) funds when students are able to apply and enroll in any public school in the state. There is an estimated cost of \$200,000 for the DOE to implement this requirement.

The bill revises the Credit Acceleration Program (CAP) to allow students to earn high school credit in a course by passing an end-of-course assessment or an Advanced Placement (AP) Examination.

The authorization in the bill for students to enroll in any school district in the state would result in redistribution of funding among the 67 school districts in the FEFP. See fiscal comments.

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Fiscal Transparency**

###### **Present Situation**

Each public school must provide parents of students a school financial report as part of its annual public school accountability report.<sup>1</sup> The purpose of the school financial report is to better inform parents and the public concerning how funds are spent to operate the school during the prior fiscal year.<sup>2</sup>

Each school's financial report must follow a uniform, districtwide format that is easy to read and understand.<sup>3</sup> The report must indicate revenues and their sources.<sup>4</sup> In addition, the report must include expenditures per unweighted full-time equivalent student at the district and state levels for teachers, substitute teachers, other instructional personnel, contracted instructional services, school administration and support personnel, certain materials and supplies, food services, support services, operation and maintenance of the school plant, and district-level expenditures that support the school's operations.<sup>5</sup>

###### **Effect of Proposed Changes**

The bill requires that the school's financial report be provided to the parents and include the average amount of money expended per student in the school.

##### **Internal Auditor**

###### **Present Situation**

The district school board may employ an internal auditor to perform ongoing financial verification of the financial records of the school district. The internal auditor must report directly to the district school board or its designee.<sup>6</sup>

###### **Effect of Proposed Changes**

The bill authorizes the internal auditor to perform additional audits and reviews as directed by the school board for the purpose of determining:

- The adequacy of internal controls.
- Compliance with applicable laws, rules, contracts, grant agreements, district school board-approved policies and best practices.
- The efficiency of operations.
- The reliability of financial records and reports.
- The safeguarding of assets.

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<sup>1</sup> See ss. 1002.20(16); 1010.215(5), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 1010.215(5), F.S.

<sup>4</sup> See s. 1010.215(5)(a), F.S.

<sup>5</sup> See s. 1010.215(5)(b) and (c), F.S.

<sup>6</sup> Section 1001.42(12)(l), F. S.

## **Public and Private Education Choice Options**

### **Present Situation**

Parents of public school students may seek school choice options such as controlled open enrollment, lab schools, virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, auditory-oral education programs, advanced placement, dual enrollment, International Baccalaureate, Advanced International Certificate of Education, credit by examination or demonstration of competency, the School for Deaf and the Blind, the Florida Virtual School, and the public school options for the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program (McKay Scholarship Program).<sup>7</sup>

#### *Controlled Open Enrollment*

Controlled open enrollment is a public education delivery system that gives school districts the option of making student school assignments using a parent's indicated preferential public school choice as a significant factor.<sup>8</sup>

Each district school board offering controlled open enrollment must adopt by rule a controlled open enrollment plan and post the plan on the district's website.<sup>9</sup> The plan must:<sup>10</sup>

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

#### *Credit Acceleration Options*

The Credit Acceleration Program (CAP) allows middle and high school students to earn high school credit in Algebra I, Algebra II, geometry, United States history, or biology if the student passes the statewide, standardized assessment. Students who are not enrolled in or who have not completed the course may take the statewide, standardized assessment during the regular administration of the assessment.<sup>11</sup>

### **Effect of Proposed Changes**

The bill requires each district school board to allow parents, as part of controlled open enrollment, to seek enrollment in, and transport his or her child to, any public school that has not reached capacity in the district. The school district may provide student transportation at their discretion.

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<sup>7</sup> Section 1002.20(6), F.S.

<sup>8</sup> Section 1002.31(1), F.S.; Implementation of the plan by a district school board is optional. Section 1002.31(2), F.S.

<sup>9</sup> Section 1002.31(3), F.S.

<sup>10</sup> Section 1002.31(3), F.S.

<sup>11</sup> Section 1003.4295(3), F.S.

The bill requires each district school board to annually post on its website the application process required to participate in controlled open enrollment. The process must:

- Identify schools that have not reached capacity as defined by the school district. The determination of capacity considers the specifications, plans, elements, and commitments contained in the school district's educational facilities plan and long-term work programs.
- Provide priority preference for the placement of siblings and students residing in the district.
- Ensure that a resident of a district cannot be displaced by a student transferring in from outside the district.
- Allow the student to attend the chosen school of enrollment until the student completes the highest grade offered.

Beginning in the 2017-2018 school year, a parent may seek enrollment in, and transport his or her child to, any public school that has not reached capacity in the state. If the parent seeks enrollment for his or her student in a different school district, the parent must notify the district of residence at the time of application or by February 15 of the preceeding school year, whichever occurs later.

The bill requires DOE to contract with the Center for Applied Economic Analysis at Florida Polytechnic University to determine the portability of the local portion of FEFP funds when students are able to apply and enroll in any public school in the state. The research results must be reported to the Legislature no later than November 1, 2017.

The bill requires each district school board to establish a transfer process for a parent to request his or her child be transferred to another classroom teacher. A school must grant or deny the transfer within 2 weeks after receiving a request. If a request for transfer is denied, the school must notify the parent and specify the reasons for a denial. An explanation of the transfer process must be made available in the parent guide or a similar publication.

The bill clarifies language for the acceleration options and allows passage of an end-of-course assessment or an AP Examination to qualify for high school course credits. The bill also clarifies that a district shall allow any public or home education student not enrolled in the corresponding course to take an end-of-course assessment or AP Examination during the regular administration of the examination or assessment.

The bill specifies that CAPE digital tool certificates, CAPE industry certifications, and collegiate high school programs are public educational choices.

The bill includes the Florida Personal Learning Scholarship Accounts Program as a private educational choice.

## B. SECTION DIRECTORY:

**Section 1.** Amends s. 1001.42, F.S., relating to the powers and duties of district school boards.

**Section 2.** Amends s. 1002.20, F.S.; including certain public and private education options.

**Section 3.** Amends s. 1002.31, F.S.; requiring districts to publish a process for controlled open enrollment; defining capacity; requiring a district school board to annually report the number of students exercising school choice; allowing a parent to enroll his or her child in a public school in the state that has not reached capacity; requiring districts to establish a process for a parent to request his or her child to be transferred to another teacher and providing requirements for the process.

**Section 4.** Amends s. 1003.4295, F. S. relating to acceleration options.

**Section 5.** Requires the DOE to contract with the Center for Applied Economic Research at Florida Polytechnic University to determine the portability of the local portion of the FEFP funds and report to the Legislature by November 1, 2017.

**Section 6.** Provides an effective date of July 1, 2016.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The bill requires each district school board to allow a parent to seek enrollment in and transport his or her child to any public school that has not reached capacity in the district. Further, the bill provides that, beginning in the 2017-2018 school year, a parent may seek enrollment in and transport his or her child to any public school, including charter schools, that has not reached capacity in any school district in the state. The school district must accept the student and report the student for purposes of the district's funding pursuant to the FEFP.

The authorization in the bill for students to enroll in any district in the state would result in a redistribution of funding among the 67 school districts in the FEFP. The bill could result in increased state funding needs in the FEFP depending on the choices of parents to enroll in neighboring districts. If students choice into a district where the millage produces more than 90 percent of a district's total FEFP entitlement, the FEFP formula will require more state funding to cover the cost of the student as there would be a corresponding increase in local millage rate as the 90 percent gap decreases. The bill could also result in significant losses of funding in districts where large numbers of parents and students choice into another district creating a financial hardship in the home district as the funding will be reduced after budget planning has taken place.

The bill requires the Department of Education (DOE) to contract with the Center for Applied Economic Analysis at Florida Polytechnic University to determine the portability of the local portion of the Florida Education Finance Program (FEFP) funds when students are able to apply and enroll in any public school in the state. There is an estimated cost of \$200,000 for the DOE to implement this requirement.

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect municipal or local governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 20, 2016, the Choice and Innovation Subcommittee adopted three amendments and reported the bill favorably as a committee substitute. The amendments:

- Require that the school's financial report be provided to the parents and include the average amount of money expended per student.
- Authorize the internal auditor to perform additional audits and reviews as directed by the district school board.
- Correct the name of the department at Florida Polytechnic University that will be conducting the research from the Economic Analysis Program to the Center for Applied Economic Analysis.
- Clarify the application process for parents seeking to enroll their child in another public school in their district and outside their district.
- Outline preferences that a school district must include in its controlled open enrollment application process.
- Ensure a resident of a district cannot be displaced by a student transferring from outside the district.

This bill analysis reflects the bill as amended by the Choice and Innovation Subcommittee.



27 parent to provide certain notification to the school  
 28 district of residence by a specified date; requiring  
 29 district school boards to establish a process for a  
 30 parent to request that his or her child be transferred  
 31 to another classroom teacher; amending s. 1003.4295,  
 32 F.S.; revising the courses in which a student may earn  
 33 high school credit through the Credit Acceleration  
 34 Program; revising the assessments used in such  
 35 program; requiring the Department of Education to  
 36 contract with the Center for Applied Economic Research  
 37 at Florida Polytechnic University for certain  
 38 purposes; requiring the department to provide research  
 39 results and recommendations to the Legislature by a  
 40 specified date; providing an effective date.

41  
 42 Be It Enacted by the Legislature of the State of Florida:

43  
 44 Section 1. Paragraph (1) of subsection (12) of section  
 45 1001.42, Florida Statutes, is amended to read:

46 1001.42 Powers and duties of district school board.—The  
 47 district school board, acting as a board, shall exercise all  
 48 powers and perform all duties listed below:

49 (12) FINANCE.—Take steps to assure students adequate  
 50 educational facilities through the financial procedure  
 51 authorized in chapters 1010 and 1011 and as prescribed below:

52 (1) Internal auditor.—May employ an internal auditor to

53 | perform ongoing financial verification of the financial records  
 54 | of the school district and such other audits and reviews as  
 55 | directed by the district school board to determine:

56 |       1. The adequacy of internal controls designed to prevent  
 57 | and detect fraud, waste, and abuse.

58 |       2. Compliance with applicable laws, rules, contracts,  
 59 | grant agreements, district school board-approved policies, and  
 60 | best practices.

61 |       3. The efficiency of operations.

62 |       4. The reliability of financial records and reports.

63 |       5. The safeguard of assets.

64 |  
 65 | The internal auditor shall report directly to the district  
 66 | school board or its designee.

67 |       Section 2. Paragraphs (a) and (b) of subsection (6) and  
 68 | subsection (16) of section 1002.20, Florida Statutes, are  
 69 | amended to read:

70 |       1002.20 K-12 student and parent rights.—Parents of public  
 71 | school students must receive accurate and timely information  
 72 | regarding their child's academic progress and must be informed  
 73 | of ways they can help their child to succeed in school. K-12  
 74 | students and their parents are afforded numerous statutory  
 75 | rights including, but not limited to, the following:

76 |       (6) EDUCATIONAL CHOICE.—

77 |       (a) Public educational ~~school~~ choices.—Parents of public  
 78 | school students may seek whatever public educational ~~school~~

79 choice options that are applicable and available to students  
 80 throughout the state ~~in their school districts~~. These options  
 81 may include controlled open enrollment, single-gender programs,  
 82 lab schools, virtual instruction programs, charter schools,  
 83 charter technical career centers, magnet schools, alternative  
 84 schools, special programs, auditory-oral education programs,  
 85 career and professional education (CAPE) digital tool  
 86 certificates, CAPE industry certifications, collegiate high  
 87 school programs, advanced placement, dual enrollment,  
 88 International Baccalaureate, International General Certificate  
 89 of Secondary Education (pre-AICE), Advanced International  
 90 Certificate of Education, early admissions, credit by  
 91 examination or demonstration of competency, the New World School  
 92 of the Arts, the Florida School for the Deaf and the Blind, and  
 93 the Florida Virtual School. These options may also include the  
 94 public educational ~~school~~ choice options of the Opportunity  
 95 Scholarship Program and the McKay Scholarships for Students with  
 96 Disabilities Program.

97 (b) Private educational ~~school~~ choices.—Parents of public  
 98 school students may seek private educational ~~school~~ choice  
 99 options under certain programs.

100 1. Under the McKay Scholarships for Students with  
 101 Disabilities Program, the parent of a public school student with  
 102 a disability may request and receive a McKay Scholarship for the  
 103 student to attend a private school in accordance with s.  
 104 1002.39.

105           2. Under the Florida Tax Credit Scholarship Program, the  
 106 parent of a student who qualifies for free or reduced-price  
 107 school lunch or who is currently placed, or during the previous  
 108 state fiscal year was placed, in foster care as defined in s.  
 109 39.01 may seek a scholarship from an eligible nonprofit  
 110 scholarship-funding organization in accordance with s. 1002.395.

111           3. Under the Florida Personal Learning Scholarship  
 112 Accounts Program, the parent of a student with a qualifying  
 113 disability may apply for a personal learning scholarship to be  
 114 used for educational purposes pursuant to s. 1002.385.

115           (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING  
 116 REPORTS; FISCAL TRANSPARENCY.—Parents of public school students  
 117 have the right ~~are entitled~~ to an easy-to-read report card about  
 118 the school's grade designation or, if applicable under s.  
 119 1008.341, the school's improvement rating, and the school's  
 120 accountability report, including the school financial report as  
 121 required under s. 1010.215. The school financial report provided  
 122 by the Department of Education must be provided to the parents  
 123 and indicate the average amount of money expended per student in  
 124 the school.

125           Section 3. Section 1002.31, Florida Statutes, is amended  
 126 to read:

127           1002.31 Controlled open enrollment; public school parental  
 128 choice.—

129           (1) As used in this section, "controlled open enrollment"  
 130 means a public education delivery system that allows school

131 districts to make student school assignments using parents'  
 132 indicated preferential educational ~~school~~ choice as a  
 133 significant factor.

134 (2) In addition to the existing choice programs provided  
 135 in s. 1002.20(6)(a), each district school board shall allow a  
 136 parent to seek enrollment of his or her child in, and transport  
 137 his or her child to, any public school that has not reached  
 138 capacity in the district by filing an application pursuant to  
 139 subsection (3). However, a school district may provide  
 140 transportation to students at the school district's discretion  
 141 ~~may offer controlled open enrollment within the public schools~~  
 142 ~~which is in addition to the existing choice programs such as~~  
 143 ~~virtual instruction programs, magnet schools, alternative~~  
 144 ~~schools, special programs, advanced placement, and dual~~  
 145 ~~enrollment.~~

146 (3) Each district school board ~~offering controlled open~~  
 147 ~~enrollment~~ shall annually by January 1 adopt by rule and post on  
 148 its website the application process required to participate in  
 149 controlled open enrollment. The process a controlled open  
 150 ~~enrollment plan which must:~~

- 151 (a) Adhere to federal desegregation requirements.
- 152 (b) Allow ~~Include an application process required to~~  
 153 ~~participate in controlled open enrollment that allows parents to~~  
 154 ~~declare school preferences, including placement of siblings~~  
 155 ~~within the same school.~~
- 156 (c) Provide a lottery procedure to determine student

157 assignment and establish an appeals process for hardship cases.

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

160 (e) Maintain socioeconomic, demographic, and racial  
161 balance.

162 (f) Address the availability of transportation.

163 (g) Identify schools that have not reached capacity, as  
164 determined by the school district. In making its determination  
165 of capacity, each school district shall consider the  
166 specifications, plans, elements, and commitments contained in  
167 the school district educational facilities plan and the long-  
168 term work programs required under s. 1013.35.

169 (h) Provide priority preference for the placement of  
170 siblings in the same school and students residing in the  
171 district. However, students residing in the district must not be  
172 displaced by a student from another district seeking enrollment  
173 under the controlled open enrollment process.

174 (i) Provide preference for the placement of military  
175 students, in addition to the preferences required under s.  
176 1003.05.

177 (j) Allow a student to remain at his or her chosen school  
178 until he or she completes the highest grade offered by the  
179 school in accordance with district plan priorities. However,  
180 students residing in the district must not be displaced by a  
181 student from another district.

182 (4) In accordance with the reporting requirements of s.

183 1011.62, each district school board shall annually report the  
 184 number of students exercising public educational choice, by type  
 185 of choice, in accordance with attending the various types of  
 186 ~~public schools of choice in the district, including schools such~~  
 187 ~~as virtual instruction programs, magnet schools, and public~~  
 188 ~~charter schools, according to~~ rules adopted by the State Board  
 189 of Education.

190 (5) (a) Beginning in the 2017-2018 school year, or earlier  
 191 if authorized by the school district, a parent may seek  
 192 enrollment of his or her child in, and transport his or her  
 193 child to, any public school that has not reached capacity in any  
 194 school district in the state by filing an application pursuant  
 195 to subsection (3). The school district shall enroll an eligible  
 196 student pursuant to the preferences provided in subsection (3)  
 197 and report the student for purposes of the school district's  
 198 funding under the Florida Education Finance Program.

199 (b) A parent shall notify the school district of residence  
 200 upon filing an application pursuant to subsection (3) or by  
 201 February 15 of the preceding school year, whichever occurs later  
 202 ~~For a school or program that is a public school of choice under~~  
 203 ~~this section, the calculation for compliance with maximum class~~  
 204 ~~size pursuant to s. 1003.03 is the average number of students at~~  
 205 ~~the school level.~~

206 (6) Each district school board shall establish a transfer  
 207 process for a parent to request that his or her child be  
 208 transferred to another classroom teacher. This subsection does

209 not give a parent the right to choose a specific classroom  
 210 teacher. A school must grant or deny the transfer within 2 weeks  
 211 after receiving the request. If a request for transfer is  
 212 denied, the school shall notify the parent and specify the  
 213 reasons for the denial. An explanation of the transfer process  
 214 must be made available in the parent guide or similar  
 215 publication.

216 Section 4. Subsection (3) of section 1003.4295, Florida  
 217 Statutes, is amended to read:

218 1003.4295 Acceleration options.—

219 (3) The Credit Acceleration Program (CAP) is created for  
 220 the purpose of allowing a student to earn high school credit in  
 221 courses required for high school graduation through the passage  
 222 of an end-of-course Algebra I, Algebra II, geometry, United  
 223 States history, or biology if the student passes the statewide,  
 224 standardized assessment administered under s. 1008.22 or an  
 225 Advanced Placement Examination. Notwithstanding s. 1003.436, a  
 226 school district shall award course credit to a student who is  
 227 not enrolled in the course, or who has not completed the course,  
 228 if the student attains a passing score on the corresponding end-  
 229 of-course assessment or Advanced Placement Examination  
 230 statewide, standardized assessment. The school district shall  
 231 permit a public school or home education student who is not  
 232 enrolled in the course, or who has not completed the course, to  
 233 take the assessment or examination during the regular  
 234 administration of the assessment or examination.

235           Section 5. The Department of Education shall contract with  
236 the Center for Applied Economic Research at Florida Polytechnic  
237 University to determine the portability of the local portion of  
238 Florida Education Finance Program funds. The center shall  
239 research the feasibility of and recommend options for  
240 transferring local funds together with a student who enrolls in  
241 a public school in a school district other than his or her  
242 school district of residence. The department shall provide  
243 research results and recommendations to the Legislature by  
244 November 1, 2017.

245           Section 6. This act shall take effect July 1, 2016.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Committee/Subcommittee hearing bill: Education Appropriations  
2 Subcommittee  
3 Representative Sprowls offered the following:

**Amendment (with title amendment)**

Between lines 244 and 245, insert:

7 Section 6. For the 2016-2017 fiscal year, the sum of  
8 \$200,000 in nonrecurring general revenue funds is appropriated  
9 to the Department of Education to contract with the Center for  
10 Applied Economic Research at Florida Polytechnic University as  
11 required in Section 5 of this act.

12  
13 -----  
14 **T I T L E A M E N D M E N T**

15 Remove lines 40-41 and insert:

16 Specified date; providing an appropriation; providing an  
17 effective date.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 705 Qualifications for Interpreters

**SPONSOR(S):** Berman and others

**TIED BILLS:** IDEN./SIM. BILLS: SB 916

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	9 Y, 0 N, As CS	Fudge	Fudge
2) Education Appropriations Subcommittee		Seifert 	Heflin 
3) Education Committee			

### SUMMARY ANALYSIS

According to a recent survey, there are approximately 310 interpreters employed by Florida school districts and the Florida School for the Deaf and the Blind. Neither Florida law nor State Board of Education rule establishes criteria for the qualification of educational interpreters. Consequently, the criteria for selecting educational interpreters as well as any requirements for continuing education are determined by each local school district.

The bill requires the State Board of Education to adopt in rule standards for educational interpreters. The bill defines educational interpreters as individuals who facilitate direct instruction from professionals and direct communication between students who are deaf or hard of hearing and their peers. The standards must include interpreter assessments that include both written and performance assessments that are offered by a national organization of professional sign language interpreters and transliterators.

The bill also requires school districts, beginning July 1, 2017, to notify parents if their student has been assigned an interpreter that does not meet the standards established in state board rule and to report to the Department of Education the total number of interpreters employed by the district and, of those, how many meet the standards.

The bill requires the State Board of Education to adopt in rule standards for educational interpreters. The bill has no known state fiscal impact as the rule making process is part of the daily operations of the Department of Education. It is unknown what the adopted standards for educational interpreters will be or how many current interpreters or school districts will be impacted.

The fiscal impact of the bill is indeterminate.

The bill takes effect July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

According to a recent survey, there are approximately 310 interpreters employed by Florida school districts and the Florid School for the Deaf and the Blind.<sup>1</sup> Neither Florida law nor State Board of Education rule establishes criteria for the qualification of educational interpreters. Consequently, the criteria for selecting educational interpreters as well as any requirements for continuing education are determined by each local school district. Some school districts use the Quality Assurance Screening and the Educational Interpreter Evaluation by the Florida Registry of Interpreters for the Deaf. However, this was discontinued in November 2013.<sup>2</sup> Other school districts use the Ed:K-12 Certification offered by the National Registry of Interpreters for the Deaf (NRID).<sup>3</sup> On August 5, 2015, the NRID issued a moratorium on credentialing pending the results of a risk analysis of the certification program.<sup>4</sup> Finally, some school districts use the Educational Interpreter Performance Assessment (EIPA) developed by the Boys Town National Research Hospital. As of 2013, 37 states use the EIPA to determine educational interpreter competencies. Six states require a score of 3.0, twenty-two states require a score of 3.5, and ten states require a score of 4.0.

##### Effect of Proposed Changes

The bill requires the State Board of Education to adopt in rule standards for educational interpreters. The bill defines educational interpreters as individuals who facilitate direct instruction from professionals and direct communication between students who are deaf or hard of hearing and their peers. The standards must include interpreter assessments that include both written and performance assessment that are offered by a national organization of professional sign language interpreters and transliterators.

Beginning July 1, 2017, school districts are required to notify parents in writing if their student has been assigned an interpreter that does not meet the standards established in state board rule. Also, beginning July 1, 2017, school districts must report to the Department of Education the total number of individuals providing interpretation services in the district and, of those, how many meet the standards.

#### B. SECTION DIRECTORY:

Section 1. Creates s. 1012.441, F.S., requiring the State Board of Education to establish standards for educational interpreters.

Section 2. Provides an effective date of July 1, 2016.

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<sup>1</sup> Florida Department of Education, *2016 Agency Legislative Bill Analysis for HB 705*.

<sup>2</sup> Out of the 37 school districts that responded, 21 indicate that the Quality Assurance Screening and the Educational Interpreter Evaluation is part of their criteria for educational interpreters. Florida Department of Education, *2016 Agency Legislative Bill Analysis for HB 705*.

<sup>3</sup> Out of the 37 school districts that responded, 18 indicate that the Ed: K-12 Certification is part of their criteria for educational interpreters. Florida Department of Education, *2016 Agency Legislative Bill Analysis for HB 705*.

<sup>4</sup> Registry of Interpreters for the Deaf, *Ed: K-12 Certification*, <http://rid.org/rid-certification-overview/ed-k-12-certification/> (last visited January 15, 2016).

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill has no known state fiscal impact as the rule making process is part of the daily operations of the Department of Education.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The bill requires the State Board of Education to adopt in rule standards for educational interpreters. The bill has no known state fiscal impact as the rule making process is part of the daily operations of the Department of Education. It is unknown what the adopted standards for educational interpreters will be or how many current interpreters or school districts will be impacted. The fiscal impact of the bill is indeterminate.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt a rule establishing standards for educational interpreters.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 20, 2016, the K-12 Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The committee substitute requires the State Board of Education to

adopt standards for educational interpreters and requires school districts to notify parents when an individual does not meet the standards. School districts must also report to the department the number of individuals providing interpretation services and the number who meet the standards. The bill analysis is drafted to the committee substitute as passed by the K-12 Subcommittee.

1                                    A bill to be entitled  
 2            An act relating to qualifications for educational  
 3            interpreters; creating s. 1012.441, F.S.; requiring  
 4            the State Board of Education to adopt standards for  
 5            educational interpreters; requiring school districts  
 6            to notify parents if an individual assigned to provide  
 7            interpreter services for their students does not meet  
 8            such standards; requiring school districts to report  
 9            to the Department of Education, for publication on its  
 10           website, certain information regarding individuals  
 11           providing interpreter services; providing an effective  
 12           date.

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

15  
 16            Section 1. Section 1012.441, Florida Statutes, is created  
 17            to read:

18            1012.441 Qualifications for educational interpreters.-  
 19            (1) The State Board of Education shall adopt by rule  
 20            standards for educational interpreters. An educational  
 21            interpreter is an individual who facilitates direct instruction  
 22            by professionals and directs communication between students who  
 23            are deaf or hard of hearing and their peers as designated in  
 24            each student's individual education plan or 504 accommodation  
 25            plan. The standards must include interpreter assessments,  
 26            including both written and performance assessments, offered by a

27 national organization of professional sign language interpreters  
 28 and transliterators.

29 (2) Beginning July 1, 2017, each school district shall:

30 (a) Notify a parent in writing if an individual assigned  
 31 to provide interpreter services for his or her student, in  
 32 accordance with the student's individual education plan or 504  
 33 accommodation plan, does not meet the educational interpreter  
 34 standards established in state board rule.

35 (b) Report to the Department of Education, for publication  
 36 on its website, the total number of individuals providing  
 37 interpreter services in the district and the total number of  
 38 such individuals who meet the educational interpreter standards  
 39 established in state board rule.

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



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HJR 759 Charter Schools  
**SPONSOR(S):** K-12 Subcommittee, Diaz, Jr.  
**TIED BILLS:** IDEN./SIM. BILLS: SJR 976

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	9 Y, 3 N, As CS	Dehmer	Fudge
2) Education Appropriations Subcommittee		Dobson <i>MD</i>	Heflin <i>ADH</i>
3) Education Committee			

**SUMMARY ANALYSIS**

Under current law, an applicant seeking to operate a charter school submits an application that is reviewed and approved by the school board in the district in which the applicant seeks to operate. Once approved, the applicant and school district enter into a contract called a charter.

The House Joint Resolution directs the State Board of Education to establish a statewide charter school authorizer to authorize, operate, control and supervise charter schools as provided by law. Additionally, it clarifies that a school board has the authority to operate, control and supervise all free public schools within its district, except charter schools under the control and supervision of the statewide charter school authorizer.

HJR 759 impacts state funds to the extent that the cost of placing the constitutional amendment on the ballot must be administered by the Department of State. The estimated printing and publication costs for advertising the joint resolution and other necessary materials would be approximately \$28,145.79, possibly greater, depending on the final wording of the joint resolution and the resulting ballot language. The estimate is based on the cost to advertise constitutional amendments for the 2014 general election which was \$135.97 per word. Specific appropriation 3045 of the 2016-2017 House General Appropriations Act provides \$28,000 to fund advertising costs associated with this bill, should it be adopted. Implementing legislation would also be required to establish an office for the statewide charter school authorizer which would result in an additional, unknown fiscal impact.

**A joint resolution proposing an amendment to the Florida Constitution must be passed by three-fifths of the membership of each house of the Legislature.**

**The Constitution requires 60 percent voter approval for passage of a proposed constitutional amendment.**

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Statewide Charter School Authorizer

###### Present Situation

In 2006, the Florida Legislature enacted s. 1002.335, F.S. (2006), which established the "Florida Schools of Excellence Commission" as an independent, state-level entity with the power to authorize charter schools throughout the state of Florida.<sup>1</sup> Prior to the enactment s.1002.235, F.S. (2006), only district school boards could authorize charter schools.<sup>2</sup> After the creation of the Florida Schools Excellence Commission, district school boards could only exercise that exclusive authority if the State Board of Education grants them such power within their district. Subsequently, the State Board of Education denied 28 of the 31 counties which applied for exclusive charter school authorization authority.<sup>3</sup> Several of the denied school districts filed suit, claiming that a state-level charter school authorizer violates article IX, s. 4, of the Florida Constitution, which states, in part:

SECTION 4. School districts; school boards.—

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

In 2008, The First District Court of Appeal held that section 1002.335, F.S. (2006) is unconstitutional because it presents a "total and fatal conflict with article IX, s. 4 of the Florida Constitution."<sup>4</sup> Based on this ruling, a successful attempt to create a statewide charter school authorizing authority would have to include an amendment to the Florida Constitution.

Currently, an applicant seeking to operate a charter school must submit an application that is reviewed and approved by the school board in the district in which the applicant seeks to operate.<sup>5</sup> Once approved, the applicant and school district enter into a contract called a charter.<sup>6</sup>

###### Effect of Proposed Changes

The House Joint Resolution directs the State Board of Education to establish a statewide charter school authorizer to authorize, operate, control and supervise charter schools as provided by law. Additionally, it clarifies that a school board has authority to operate, control and supervise all free public schools within its district, except charter schools under the control and supervision of the statewide charter school authorizer.

#### B. SECTION DIRECTORY:

**Section 1.** Amends art. IX, Fla. Const., directing the State Board of Education to establish a statewide charter school authorizer and clarifying a school board has authority to operate, control and supervise all free public schools within its district, except for those charter schools authorized by the statewide authorizer.

**Section 2.** Provides an effective date of July 1, 2016.

<sup>1</sup> Chapter 2006-302, Laws of Florida.

<sup>2</sup> Section 1002.335, F.S. was repealed in Ch. 2010-70, Laws of Florida.

<sup>3</sup> Duval County Sch. Bd. v. State, Bd. of Educ., 998 So. 2d 641, at 644 (Fla. 1st DCA 2008)

<sup>4</sup> Duval County Sch. Bd. v. State, Bd. of Educ., 998 So. 2d 641, at 644 (Fla. 1st DCA 2008)

<sup>5</sup> Section 1002.33(6), F.S.

<sup>6</sup> Section 1002.33(7), F.S.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Article XI, s. 5(d) of the State Constitution, requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the tenth week and again in the sixth week immediately before the week the election is held.

According to the Department of State, the average cost per word to advertise an amendment to the State Constitution is \$135.97 for this fiscal year. The estimated publication costs for advertising the joint resolution will be approximately \$28,145.79, possibly greater, depending on the final wording of the joint resolution and the resulting ballot language. Specific appropriation 3045 of the 2016-2017 House General Appropriations Act provides \$28,000 to fund advertising costs associated with this bill, should it be adopted. Implementing legislation would also be required to establish an office for the statewide charter school authorizer which would result in an additional, unknown fiscal impact.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 20, 2016, the K-12 Subcommittee adopted one amendment and reported HJR 759 favorably as a committee substitute. The amendment:

- Directs the State Board of Education to establish a statewide charter school authorizer to authorize, operate, control and supervise charter schools as provided by law.
- Clarifies that a school board has authority to operate, control and supervise all free public schools within its district, except charter schools under the control and supervision of the statewide charter school authorizer.

This analysis is drafted to the committee substitute as approved by the K-12 Subcommittee.

House Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article IX and the creation of Section 8 of Article IX of the State Constitution to require the State Board of Education to establish a statewide charter school authorizer to authorize, operate, control, and supervise charter schools.

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

That the following amendment to Section 4 of Article IX and the creation of Section 8 of Article IX of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE IX

EDUCATION

SECTION 4. School districts; school boards.-

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

27 (b) The school board shall operate, control, and supervise  
 28 all free public schools within the school district, except  
 29 charter schools under the control and supervision of the  
 30 statewide charter school authorizer in accordance with section 8  
 31 of this article, and determine the rate of school district taxes  
 32 within the limits prescribed herein. Two or more school  
 33 districts may operate and finance joint educational programs.

34 SECTION 8. Statewide charter school authorizer.—The state  
 35 board of education shall establish a statewide charter school  
 36 authorizer to authorize, operate, control, and supervise charter  
 37 schools as provided by general law.

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

40 CONSTITUTIONAL AMENDMENT

41 ARTICLE IX, SECTIONS 4 AND 8

42 STATEWIDE CHARTER SCHOOL AUTHORIZER.—Proposing an amendment  
 43 to the State Constitution to require the State Board of  
 44 Education to establish a statewide charter school authorizer to  
 45 authorize, operate, control, and supervise charter schools.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 799 Out-of-State Fee Waivers for Active Duty Service Members  
**SPONSOR(S):** Avila  
**TIED BILLS:** IDEN./SIM. BILLS: SB 944

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	11 Y, 0 N	Banner	Bishop
2) Education Appropriations Subcommittee		Butler 	Heflin 
3) Education Committee			

### SUMMARY ANALYSIS

Florida law provides for several tuition and fee waivers for veterans residing in the state while enrolled in a state university, Florida College System institution, career center, or charter technical career center.

The bill creates an out-of-state fee waiver for an active duty member of the United States Armed Forces residing or stationed outside of the state at the time of enrollment at a state university, Florida College System institution, career center, or charter technical career center.

The bill requires the Board of Governors or State Board of Education to report the number and value of all fee waivers granted and authorizes the Board of Governors and State Board of Education to adopt regulations and rules to administer this fee waiver.

The Board of Governors has provided an estimated impact based upon analysis of Fiscal Year 2014-2015 enrollment. The Florida Colleges estimated the impact is indeterminate. As the enrollment increases cannot accurately be determined, the fiscal impact is indeterminate.

The bill is effective July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

The United States Department of Defense (USDOD) 2015 Strength Figures indicates a total active duty military population of 1.3 million worldwide. Florida has a large military population with more than 61,000 active duty military personnel.<sup>1</sup>

Florida law defines "tuition" as "the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state".<sup>2</sup> Students who are not classified as "residents for tuition purposes"<sup>3</sup> are required to pay the full cost of instruction at a public postsecondary institution. The additional charge is known as the "out-of-state fee"<sup>4</sup>. Institutions are authorized to provide exemptions and/or waivers<sup>5</sup> of the out-of-state fee to students who meet specified criteria.

Florida law authorizes a state university, Florida College System institution, school district career center or charter technical career center to waive tuition for recipients of a Purple Heart or other superior combat decoration. Individuals must reside in the state at the time the military action occurred and while enrolled in the institution.<sup>6</sup> Additionally, the Congressman C.W. "Bill" Young Veteran Tuition Waiver Program provides an out-of-state fee waiver for honorably discharged veterans of the United States Armed Forces, the United States Reserve Forces, or the National Guard who physically resides in the state while enrolled in the institution.<sup>7</sup>

##### Effect of Proposed Changes

The bill creates an out-of-state fee waiver for an active duty member of the Armed Forces of the United States residing or stationed outside of the state and prohibits these individuals from being charged tuition and fees higher than those charged to resident students.

The bill requires each state university, Florida College System institution, career center, and charter technical career center to report the number and value of all fee waivers granted to the Board of Governors or State Board of Education, as appropriate.

The bill authorizes the Board of Governors and the State Board of Education to adopt regulations and rules to administer this fee waiver.

#### B. SECTION DIRECTORY:

Section 1: Amends s. 1009.26, F.S., to direct state universities, Florida College System institutions, and Florida career centers to waive certain fees for active duty military; require an annual report; and authorize the adoption of rules and regulations by the Board of Governors and the State Board of Education.

Section 2: Provides an effective date of July 1, 2016.

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<sup>1</sup> Email correspondence with Department of Military Affairs staff. January 12, 2016. On file with Higher Education and Workforce Subcommittee.

<sup>2</sup> Section 1009.01(1), F.S.

<sup>3</sup> Section 1009.21(1)(g), F.S.

<sup>4</sup> Section 1009.01(2), F.S.

<sup>5</sup> Sections 1009.25 and 1009.26, F.S.

<sup>6</sup> Section 1009.26(8), F.S.

<sup>7</sup> Section 1009.26(13), F.S.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

##### **State University System**

The Board of Governors, based on Fall 2014 enrollment data of non-resident active duty military students, estimates an annual unrealized tuition amount for the State University System of approximately \$248,000.<sup>8</sup>

According to the Board of Governors, the fiscal impact to the State University System is calculated by using the 2014-2015 FTE enrollment data for non-resident active military students because 2015-2016 data are not yet available. Additionally, the 2015-2016 Tuition and Fee Survey is used to calculate the system average of lost revenues resulting from the exclusion of non-resident fees paid by these students.<sup>9</sup>

Of the 13.16 FTE non-resident students listed as active duty, 8.35 FTE are undergraduate students and 4.81 FTE are graduate students. The estimated fiscal impact of waiving the non-resident fee for undergraduate and graduate students is as follows:

##### Undergraduate Students (8.35 FTE):

2014-2015 System Non-Resident Fee Revenue = 8.35 \* 40 credits \* \$465.59 = \$155,507

##### Graduate Students (4.81 FTE):

2014-2015 System Non-Resident Fee Revenue = 4.81 \* 32 credits \* \$599.07 = \$92,257

##### **Florida College System**

According to the Division of Florida Colleges, the fiscal impact of the bill is indeterminate. The number of active duty servicemembers affected by the recommended changes cannot be determined with currently available data. Colleges may see a reduction of out-of-state fee revenue from currently enrolled students benefitting from the proposed changes.

For Fiscal Year 2015-2016, the weighted average in-state tuition and fees for lower level programs is \$106.74 per credit hour; the weighted average out-of-state tuition and fees is \$389.53 per credit hour, which is \$282.79 above the in-state per credit hour rate.

#### 2. Expenditures:

The bill requires the Board of Governors and the State Board of Education to report the number and value of all fee waivers granted annually. The collection of these data can be included in the waiver information already collected, therefore there is an insignificant fiscal impact associated with this requirement.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None

#### 2. Expenditures:

None

<sup>8</sup> State University System of Florida Board of Governor's 2016 Legislative Bill Analysis for HB 799.

<sup>9</sup> Id.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Specified active duty servicemembers who do not reside in Florida and would otherwise be unable to establish Florida residency would be able to pay in-state tuition rates at state universities, Florida College System institutions, career centers, and charter technical career centers. Savings are outlined below:

**In-State versus Out-of-State Tuition Per Credit/Clock Hour**

	Average Tuition and Fees		Savings Per Credit Hour
	In-State	Out-of-State	
<b>COLLEGES</b>			
Associate	\$107	\$390	\$283
Baccalaureate	\$122	\$514	\$392
Career Certificates/Applied Technology Diploma <sup>1</sup>	\$83	\$329	\$246
<b>UNIVERSITIES</b>			
Undergraduate	\$198	\$688	\$490
Graduate <sup>2</sup>	\$437	\$1,064	\$627
<b>CAREER CENTERS (tuition - per clock hour)</b>			
Career Certificates/Applied Technology Diploma <sup>1</sup>	\$2.33	\$6.99	\$4.66
<sup>1</sup> Career Centers and Charter Technical Centers offer these programs as well. These represent Florida College System institutions' conversion from clock hour to credit hour. These rates are assessed in accordance with section 1009.22, Florida Statutes.			
<sup>2</sup> Graduate program tuition and fee comparisons do not include Law, Medical, Vet Medicine, Dentistry, Pharmacy, Physical Therapy, Master Public Health, or Nurse Anesthetist programs, which have higher tuition and fees.			

D. FISCAL COMMENTS:

Generally, it may be difficult for institutions to identify the number of students who will meet the criteria outlined in the bill and opt to take advantage of the expanded benefits; therefore, the full potential fiscal impact is indeterminate.

Institutions may incur losses in out-of-state fee revenues for current students who become eligible as a result of this legislation. Currently, for both the Florida colleges and state universities, state funding provides approximately 57 percent of the cost of student's education, while student tuition provides 43 percent. Significant increases in enrollment will require additional state funding; however, since there is no way to determine potential enrollment increases, the fiscal impact is indeterminate.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None

**B. RULE-MAKING AUTHORITY:**

The State board of Education and Board of Governors may be required to amend any rules or regulations inconsistent with the provisions of the bill.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.

1                                   A bill to be entitled  
 2           An act relating to out-of-state fee waivers for active  
 3           duty service members; amending s. 1009.26, F.S.;  
 4           providing that active duty members of the Armed Forces  
 5           of the United States residing or stationed outside of  
 6           this state may receive out-of-state fee waivers;  
 7           requiring that tuition and fees charged to such  
 8           students be below a specified amount; requiring an  
 9           annual report of all out-of-state fee waivers for such  
 10          individuals; providing for regulations and rules to  
 11          administer such provisions; providing an effective  
 12          date.

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

15  
 16           Section 1. Subsection (14) is added to section 1009.26,  
 17   Florida Statutes, to read:

18           1009.26   Fee waivers.—

19           (14) (a) A state university, Florida College System  
 20 institution, career center operated by a school district under  
 21 s. 1001.44, or charter technical career center shall waive out-  
 22 of-state fees for a person who is an active duty member of the  
 23 Armed Forces of the United States residing or stationed outside  
 24 of this state.

25           (b) Tuition and fees charged to a student who qualifies  
 26 for the out-of-state fee waiver under this subsection may not

27 | exceed the tuition and fees charged to a resident student.

28 |       (c) Each state university, Florida College System  
29 | institution, career center operated by a school district under  
30 | s. 1001.44, and charter technical career center shall report to  
31 | the Board of Governors and the State Board of Education,  
32 | respectively, the number and value of all fee waivers granted  
33 | annually under this subsection.

34 |       (d) The Board of Governors and the State Board of  
35 | Education shall respectively adopt regulations and rules to  
36 | administer this subsection.

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



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 833 Public School Recess  
**SPONSOR(S):** Plasencia and others  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 1002

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	12 Y, 0 N	Brink	Fudge
2) Education Appropriations Subcommittee		Seifer	Heflin 
3) Education Committee			

**SUMMARY ANALYSIS**

Current law establishes minimum time requirements for physical education instruction in public schools. However, there are no similar provisions related to school recess, which some organizations consider to be an integral component of a child's physical, social, and academic development.

The bill requires each district school board to provide 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5 and for students in grade 6 who are enrolled in a school that contains one or more elementary grades. The recess must be provided for at least 20 consecutive minutes each day and may not be withheld for academic or punitive reasons.

The bill may have a fiscal impact on school districts if districts elect to extend the school day to comply with the requirements of the bill. See FISCAL COMMENTS.

The bill takes effect July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### Minimum Instructional Hours

Generally, for purposes of the Florida Education Finance Program, a “full-time student” is a student on the membership roll of one school program or a combination of school programs for the school year for no less than 900 hours of instruction for a student in grades 4 through 12, or not less than 720 hours of instruction for a student in kindergarten through grade 3.<sup>1</sup>

Thus, in order to receive full funding based on full-time equivalent student membership, an elementary school must provide during the 180-day school year no fewer than 900 hours of instruction for 4<sup>th</sup> and 5<sup>th</sup> grade students and no fewer than 720 hours of instruction for K-3 students. This results in an average of 5 hours of instructional time per day for 4<sup>th</sup> and 5<sup>th</sup> grade students and 4 hours per day for K-3 students. The instructional time does not include lunch or recess.

##### Time-Based Instructional Requirements

State Board of Education rule requires that elementary schools teach reading each school day in a “dedicated, uninterrupted block of time of at least ninety (90) minutes duration” to all students.<sup>2</sup> In addition, schools that are included in the 300 lowest-performing elementary schools based on state reading assessments must provide an additional hour of instruction beyond the normal school day for each day of the entire school year for intensive reading instruction for their students.<sup>3</sup>

Further, current law requires each school board to provide 150 minutes of physical education each week for students in kindergarten through grade 5 and for students in grade 6 who are enrolled in a public school that contains one or more elementary grades, so that on any day during which physical education instruction is conducted, there are at least 30 consecutive minutes of instruction per day.<sup>4</sup> This means that reading and physical education take up 2 of the 4 minimum, daily instructional hours for K-3 students and 2 of the 5 minimum, daily instructional hours for 4<sup>th</sup> and 5<sup>th</sup> graders.

The equivalent of one class period per day of physical education for one semester of each year is required for students enrolled in grades 6 through 8.<sup>5</sup>

Students enrolled in physical education instruction must be reported through the periodic student membership surveys. Records of physical education enrollment are subject to audit by the Auditor General.<sup>6</sup>

The requirements for physical education in public elementary and middle schools must be waived for a student who meets one of the following criteria:

- The student is enrolled or required to enroll in a remedial course;
- The parent requests in writing that the student enrolls in another course from among those courses offered as options by the school district; or

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<sup>1</sup> Section 1011.61(1)(a)1., F.S.

<sup>2</sup> Rule 6A-6.053, F.A.C.

<sup>3</sup> Section 1011.62(1)(f)2., F.S. Students who earn a Level 5 on the statewide, standardized English Language Arts assessment may, but are not required to, participate in the additional hour. *Id.*

<sup>4</sup> Section 1003.455(3), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* The audits must be conducted pursuant to s. 1010.305, F.S.

- The student's parent indicates in writing to the school that the student is participating in physical activities outside the school day which are equal to or in excess of the mandated requirements.<sup>7</sup>

While the law provides requirements related to physical education, there are no such provisions related to school recess. At least one district school board has voluntarily adopted a resolution to provide recess to elementary school students on days during which they are not scheduled for physical education instruction.<sup>8</sup> Other school districts expressly require students be provided recess or physical activity in school board policy.<sup>9</sup>

The National Association for Sport and Physical Education (NASPE) recommends that all elementary school children be provided with at least one daily period of recess of at least 20 minutes in length.<sup>10</sup>

### **Effect of Proposed Changes**

The bill requires each district school board to provide 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5 and for students in grade 6 who are enrolled in a school that contains one or more elementary grades. The recess must be provided for at least 20 consecutive minutes each day and may not be withheld for academic or punitive reasons.

#### **B. SECTION DIRECTORY:**

Section 1. Amends s. 1003.455, F.S.; Requiring each district school board to provide students in certain grades with consecutive minutes of free-play recess per day; providing that free-play recess may not be withheld for specified reasons.

Section 2. Provides an effective date of July 1, 2016.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

None.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

<sup>7</sup> Section 1003.455(4), F.S.

<sup>8</sup> Orange County Public School District, *Orange County Public Schools Resolution on Recess* (June 23, 2015), available at <https://www.ocps.net/sb/Documents/2015%20School%20Board%20Items/Recess%20Resolution%202015%20OCPS.pdf>.

<sup>9</sup> See Osceola County School Board, *The School District of Osceola County, Florida Wellness Program*, at 5 (Feb. 17, 2015), available at [http://www.osceola.k12.fl.us/Resources/Student\\_Resources/documents/WellnessProgramUpdated2015.pdf](http://www.osceola.k12.fl.us/Resources/Student_Resources/documents/WellnessProgramUpdated2015.pdf) (requiring that all students in Kindergarten through grade 5 receive 20 minutes of “recess/physical activity” each day).

<sup>10</sup> Position Paper, National Association for Sport and Physical Education, *Recess for Elementary School Students* (2006), available at <http://www.aahperd.org/naspe/standards/upload/Recess-for-Elementary-School-Students-2006.pdf>.

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The requirement for additional free-play recess will not require additional state funds. However, the districts may incur additional costs associated with educator salary contracts if the 20 minutes of free-play recess replaces current instructional time which would require adding time to the school day.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.

1                                   A bill to be entitled  
 2           An act relating to public school recess; amending s.  
 3           1003.455, F.S.; requiring each district school board  
 4           to provide students in certain grades with consecutive  
 5           minutes of free-play recess per day; providing that  
 6           free-play recess may not be withheld for specified  
 7           reasons; providing an effective date.

8

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

10

11           Section 1. Subsection (3) of section 1003.455, Florida  
 12           Statutes, is amended, and subsection (6) is added to that  
 13           section, to read:

14           1003.455 Physical education; assessment.—

15           (3) Each district school board shall provide 150 minutes  
 16           of physical education each week for students in kindergarten  
 17           through grade 5 and for students in grade 6 who are enrolled in  
 18           a school that contains one or more elementary grades so that on  
 19           any day during which physical education instruction is conducted  
 20           there are at least 30 consecutive minutes of physical education  
 21           instruction per day. Beginning with the 2009-2010 school year,  
 22           the equivalent of one class period per day of physical education  
 23           for one semester of each year is required for students enrolled  
 24           in grades 6 through 8. Students enrolled in such instruction  
 25           shall be reported through the periodic student membership  
 26           surveys, and records of such enrollment shall be audited

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27 | pursuant to s. 1010.305. Such instruction may be provided by any  
28 | instructional personnel as defined in s. 1012.01(2), regardless  
29 | of certification, who are designated by the school principal.

30 |       (6) In addition to the requirements in subsection (3),  
31 | each district school board shall provide 100 minutes of  
32 | supervised, safe, and unstructured free-play recess each week  
33 | for students in kindergarten through grade 5 and for students in  
34 | grade 6 who are enrolled in a school that contains one or more  
35 | elementary grades so that there are at least 20 consecutive  
36 | minutes of free-play recess per day. Free-play recess may not be  
37 | withheld for academic or punitive reasons.

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



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 907 Youth Suicide Awareness and Prevention  
**SPONSOR(S):** Eagle and others  
**TIED BILLS:** IDEN./SIM. BILLS: SB 884

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	12 Y, 0 N	Fudge	Fudge
2) Education Appropriations Subcommittee		Seifert 	Heflin 
3) Education Committee			

**SUMMARY ANALYSIS**

In 2014, suicide was the third leading cause of death for ages 5-24 in Florida. For ages 5-14 the suicide rate per 100,000 was .9, while the rate was 10.3 per 100,000 for ages 15-24.

Each person serving in an instructional capacity in a public school must hold a certificate. All professional certificates, except a nonrenewable professional certificate, are renewable for successive periods not to exceed 5 years after the date of submission of documentation of completion of renewal requirements. Applicants for renewal of a professional certificate must earn a minimum of 6 college credits, three of which must be in the applicant's specialization area. Beginning July 1, 2014, an applicant for renewal must also earn a minimum of one college credit in the area of instruction for teaching students with disabilities. All K-12 teachers must participate in continuing education training provided by the Department of Children and Families on identifying and reporting child abuse and neglect.

The bill requires instructional personnel in elementary, middle, and high schools to receive 2 hours of training in youth suicide awareness and prevention beginning with the 2016-2017 school year. The Department of Education must consult with the Statewide Office for Suicide Prevention and suicide prevention experts to develop a list of approved materials. This requirement must be included within existing requirements, may not add to the total hours currently required, and may be satisfied through self-review of the training materials.

The Department of Education must consult with the Statewide Office for Suicide Prevention and suicide prevention experts to develop a list of approved materials. DOE currently provides mental health awareness and support services, including suicide prevention and intervention training and resources through a discretionary project called the Support Services project. The development of the list would be completed using these existing resources and would not result in a fiscal impact to the state.

The bill also provides that the training received by individuals does not create any new duty of care or basis of liability. In addition, there is no cause of action for any loss or damage caused by an act or omission as a result of those who provide the training as well as those who have received the training, unless it was caused by willful and wanton misconduct.

School districts may incur costs for instructional personnel to attend the training, as well as the costs for substitutes and trainers. These costs are indeterminate.

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

In Florida, suicide was the third leading cause of death for ages 5-24 in Florida. For ages 5-14 the suicide rate per 100,000 was .9, while the rate was 10.3 per 100,000 for ages 15-24.<sup>1</sup>

##### **Required Inservice Training**

Each person employed or occupying a position as school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or other position in which the employee serves in an instructional capacity, in any public school of any district must hold a certificate.<sup>2</sup>

District school boards renew state-issued professional certificates for individuals who hold a state-issued professional certificate and are employed by the district.<sup>3</sup>

All professional certificates, except a nonrenewable professional certificate, are renewable for successive periods not to exceed 5 years after the date of submission of documentation of completion of renewal requirements.<sup>4</sup>

For the renewal of a professional certificate, an applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof.<sup>5</sup> For each area of specialization on the certificate, the applicant must earn at least 3 of the required credits in the specialization area.<sup>6</sup> However, the specialization requirement may be satisfied by receiving training in a variety of topics unrelated to the specialization area.<sup>7</sup> Also, beginning July 1, 2014, an applicant for renewal must earn a minimum of one college credit in the area of instruction for teaching students with disabilities. All K-12 teachers must participate in continuing education training provided by the Department of Children and Families on identifying and reporting child abuse and neglect.<sup>8</sup>

##### **Statewide Office for Suicide Prevention**

The Statewide Office of Suicide Prevention is housed within the Department of Children and Families.<sup>9</sup> Among other things, the office must coordinate education and training curricula in suicide prevention efforts for law enforcement personnel, first responders to emergency calls, health care providers, school employees, and other persons who may have contact with persons at risk of suicide.<sup>10</sup>

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<sup>1</sup> Florida Department of Children and Families, *2015 Annual Report of the Suicide Prevention Coordinating Council* (Jan. 1, 2016), available at

<http://www.dcf.state.fl.us/programs/samh/publications/2015%20Annual%20Report%20of%20the%20Suicide%20Prevention%20Coordinating%20Council.pdf>.

<sup>2</sup> Section 1012.55(1)(b), F.S.

<sup>3</sup> Section 1012.585(1), F.S.

<sup>4</sup> Section 1012.585(2) and (3), F.S.

<sup>5</sup> Section 1012.585(3)(a), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> The specialization requirement may be met through "clinical educator" training and training in the area of reading, exceptional student education, normal child development, drug abuse, child abuse and neglect, strategies in teach students having limited proficiency in English, strategies in dropout prevention, and training in priority areas identified in the educational goals and performance standards of Florida's K-20 education system. Section 1012.585(3)(a), F.S.

<sup>8</sup> Section 1012.98(12), F.S.

<sup>9</sup> Ch. 2011-51, L.O.F.; Section 14.2019, F.S.

<sup>10</sup> Section 14.2019, F.S.

The Statewide Office for Suicide Prevention is required to operate within available resources but is allowed to seek and accept grants or funds from federal, state, or local sources to support the operation and defray the authorized expenses of the office and the Suicide Prevention coordinating Council.<sup>11</sup>

### **Effect of Proposed Changes**

The bill requires instructional personnel in elementary, middle, and high schools to receive 2 hours of training in youth suicide awareness and prevention beginning with the 2016-2017 school year. The Department of Education must consult with the Statewide Office for Suicide Prevention and suicide prevention experts to develop a list of approved materials. The materials must include training on how to identify appropriate mental health services and how to refer youth and their families to those services. The training requirement must be included within existing requirements, may not add to the total hours currently required, and may be satisfied through self-review of the training materials.

The bill also provides that the training received by individuals does not create any new duty of care or basis of liability. In addition, there is no cause of action for any loss or damage caused by an act or omission as a result of those who provide the training as well as those who have received the training, unless it was caused by willful and wanton misconduct.

#### **B. SECTION DIRECTORY:**

Section 1. Creates s. 1012.583, F.S., requiring training in suicide prevention for certain individuals.

Section 2. Provides an effective date of July 1, 2016.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

#### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

#### **D. FISCAL COMMENTS:**

School districts may incur costs for instructional personnel to attend the training, as well as the costs for substitutes and trainers. These costs are indeterminate.<sup>12</sup>

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<sup>11</sup> *Id.*

<sup>12</sup> Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 884 (on file with staff of the K-12 Subcommittee).

The Department of Education must consult with the Statewide Office for Suicide Prevention and suicide prevention experts to develop a list of approved materials. DOE currently provides mental health awareness and support services, including suicide prevention and intervention training and resources through a discretionary project called the Support Services project. The development of the list would be completed using these existing resources and would not result in a fiscal impact to the state.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

None.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.



27 requirements for continuing education or inservice training for  
 28 instructional personnel in elementary school, middle school, and  
 29 high school.

30 (2) The department, in consultation with the Statewide  
 31 Office for Suicide Prevention and suicide prevention experts,  
 32 must develop a list of approved youth suicide awareness and  
 33 prevention training materials. The materials:

34 (a) Must include training on how to identify appropriate  
 35 mental health services and how to refer youth and their families  
 36 to those services.

37 (b) May include materials currently being used by a school  
 38 district if the materials meet any criteria established by the  
 39 department.

40 (c) May include programs that instructional personnel can  
 41 complete through a self-review of approved youth suicide  
 42 awareness and prevention materials.

43 (3) The training required by this section must be included  
 44 in the existing continuing education or inservice training  
 45 requirements for instructional personnel and may not add to the  
 46 total hours currently required by the department.

47 (4) A person has no cause of action for any loss or damage  
 48 caused by an act or omission resulting from the implementation  
 49 of this section or resulting from any training required by this  
 50 section unless the loss or damage was caused by willful or  
 51 wanton misconduct. This section does not create any new duty of  
 52 care or basis of liability.

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53            (5) The State Board of Education may adopt rules to  
54 implement this section.

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



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1155 Membership Associations  
**SPONSOR(S):** K-12 Subcommittee, Eisnaugle  
**TIED BILLS:** IDEN./SIM. BILLS: SB 1426

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	8 Y, 4 N, As CS	Dehmer	Fudge
2) Education Appropriations Subcommittee		Dobson <i>MD</i>	Heflin <i>(Ad)</i>
3) Education Committee			

### SUMMARY ANALYSIS

In Florida, not for profit corporations are regulated by the Florida Not For Profit Corporation Act (Act), which outlines the requirements for creating and managing a not for profit corporation as well as the powers and duties of the corporation. The Act authorizes not for profit corporations to be created for any lawful purpose or purposes not for pecuniary profit and not specifically prohibited to corporations by other state laws.

Not for profit corporations are required to submit an annual report to the Department of State that contains basic information about the corporation, including the date of incorporation, the names and addresses of the corporation's directors and principal officers, and the addresses of certain corporate offices.

A not for profit corporation may receive public funds from the state or a local government in certain situations, such as through a grant or through payment of membership dues authorized for governmental employees and entities who are members of certain types of not for profit corporations.

The bill defines the term "membership association" as a corporation not for profit, including a department or division of such corporation, the majority of whose board members are constitutional officers that operate, control, and supervise public entities that receive annual state appropriations through a statutorily defined formulaic allocation that is funded and prescribed annually in the General Appropriations Act or the substantive bill implementing the annual appropriations act. The bill specifies that the term does not include a labor organization or an entity funded through the Justice Administrative Commission.

The bill requires a membership association to file an annual report with the President of the Senate and the Speaker of the House of Representatives by January 1 of each year. The report must include contact information for the membership association, officers and representatives of the membership association, and any affiliates of the membership association. The report must also include information about the membership association's finances, including the amount of the fee required to become a member and the annual membership dues, a copy of the current financial statements, a description of assets and liabilities, a description of salary and allowances paid to each officer and employee who received more than \$10,000 from the membership association during the preceding fiscal year, the amount of the benefit packages paid to each principal officer, and the amount of disbursements for lobbying activity and litigation.

The bill prohibits a membership association from expending moneys received from public funds on litigation against the state. The bill also authorizes the Auditor General to conduct annual financial and operational audits of the accounts and records of each membership association.

The bill may have an indeterminate positive fiscal impact on state government, and may have an indeterminate but likely minimal negative fiscal impact on the private sector. See Fiscal Analysis section.

The bill takes effect July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

In Florida, not for profit corporations are regulated by the Florida Not For Profit Corporation Act (Act), which outlines the requirements for creating and managing a not for profit corporation as well as the powers and duties of the corporation.<sup>1</sup> The Act authorizes not for profit corporations to be created for any lawful purpose or purposes that are not for pecuniary profit and that are not specifically prohibited to corporations by other state laws.<sup>2</sup> The Act specifies that such purposes include charitable, benevolent, eleemosynary, educational, historical, civic, patriotic, political, religious, social, fraternal, literary, cultural, athletic, scientific, agricultural, horticultural, animal husbandry, and professional, commercial, industrial, or trade association purposes.<sup>3</sup>

Florida law authorizes not for profit corporations to operate with the same degree of power provided to for profit corporations in the state, including the power to appoint officers, adopt bylaws, enter into contracts, sue and be sued, and own and convey property.<sup>4</sup> Officers and directors of certain not for profit corporations are also protected by the same immunity from civil liability provided to directors of for profit corporations.<sup>5</sup> Unlike for profit corporations, certain not for profit corporations may apply for exemptions from federal, state, and local taxes.<sup>6</sup>

Not for profit corporations are required to submit an annual report to the Department of State that contains the following information:

- The name of the corporation and the state or country under the law of which it is incorporated;
- The date of incorporation or, if a foreign corporation, the date on which it was admitted to conduct its affairs in the state;
- The address of the principal office and the mailing address of the corporation;
- The corporation's federal employer identification number, if any, or, if none, whether one has been applied for;
- The names and business street addresses of its directors and principal officers;
- The street address of its registered office in the state and the name of its registered agent at that office; and
- Such additional information as may be necessary or appropriate to enable the Department of State to carry out the provisions of the Act.<sup>7</sup>

A not for profit corporation may receive public funds from the state or a local government in certain situations. Public funds are defined as "moneys under the jurisdiction or control of the state, a county, or a municipality, including any district, authority, commission, board, or agency thereof and the judicial branch, and includes all manner of pension and retirement funds and all other funds held, as trust funds or otherwise, for any public purpose."<sup>8</sup> The state or a local government may provide public funds to a

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<sup>1</sup> Chapter 90-179, L.O.F.

<sup>2</sup> Section 617.0301, F.S.

<sup>3</sup> *Id.*

<sup>4</sup> *See* ss. 617.0302 and 607.0302, F.S.

<sup>5</sup> *See* ss. 617.0834 and 607.0831, F.S.

<sup>6</sup> *See* 26 U.S.C. s. 501; Section 212.08(7)(p), F.S.

<sup>7</sup> Section 617.1622, F.S.

<sup>8</sup> Section 215.85(3)(b), F.S.

not for profit corporation through a grant or through payment of membership dues authorized for governmental employees and entities who are members of certain types of not for profit corporations.<sup>9</sup>

### **Effect of Proposed Changes**

The bill defines the term “membership association” as a corporation not for profit, including a department or division of such corporation, the majority of whose board members are constitutional officers<sup>10</sup> who, pursuant to the statutory definition of District School Boards, operate, control, and supervise public entities that receive annual state appropriations through a statutorily defined formulaic allocation that is funded and prescribed annually in the General Appropriations Act or the substantive bill implementing the annual appropriations act. The bill specifies that the term does not include a labor organization or an entity funded through the Justice Administrative Commission.<sup>11</sup>

The bill requires a membership association to file an annual report with the President of the Senate and the Speaker of the House of Representatives by January 1 of each year. The report must include the following information:

- The name and address of the membership association and any parent membership association or any state, national, or international membership association with which it is affiliated;
- The names, titles, telephone numbers, and addresses of the principal officers and all representatives of the membership association;
- The amount of the fee required to become a member of the membership association, if any, and of the annual dues that each member must pay;
- The current financial statements of the membership association;
- A copy of the current constitution and bylaws of the membership association;
- A description of the assets and liabilities of the membership association at the beginning and end of the preceding fiscal year;
- A description of the salary, allowances, and other direct or indirect disbursements, including reimbursed expenses, to each officer and to each employee who, during the preceding fiscal year, received more than \$10,000 in aggregate funding from the membership association and any other state, national, or international membership association affiliated with it;
- The annual amount of the benefit packages paid to each of the principal officers of the membership association, including health, major medical, vision, dental, and life insurance as well as retirement plans and automobile allowances;
- The per-member amount of annual dues sent from the membership association to each state, national, or international affiliate;
- The total amount of direct or indirect disbursements for lobbying activity at the federal, state, or local level incurred by the membership association, listed by the full name and address of each person who received a disbursement; and
- The total amount of direct or indirect disbursements for litigation expenses incurred by the membership association, listed by case citation.

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<sup>9</sup> See, e.g., Section 2-103(a), Pinellas County Code (authorizing the board of county commissioners to expend monies from the county general fund for membership fees and dues for county employees and officials for professional associations); Section 120-65(a)(2), South Florida Water Management District Administrative Policies (authorizing the district to pay for an employee’s membership in a professional organization not required by his or her job).

<sup>10</sup>Section 112.3142(1), F.S. (provides that “constitutional officers” include the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools).

<sup>11</sup> Current law defines a labor organization as “any organization of employees or local or subdivision thereof, having within its membership residents of the state, whether incorporated or not, organized for the purpose of dealing with employers concerning hours of employment, rate of pay, working conditions, or grievances of any kind relating to employment and recognized as a unit of bargaining by one or more employers doing business in this state.” The definition also includes an “employee organization,” as defined in s. 447.203(11), F.S., at such time as it seeks to register pursuant to s. 447.305, F.S. Section 447.02(1), F.S.

The bill prohibits a membership association from expending moneys received from public funds, as defined in s. 215.85, F.S., on litigation against the state.

The bill authorizes the Auditor General to conduct annual financial and operational audits of the accounts and records of each membership association.

**B. SECTION DIRECTORY:**

**Section 1.** Creates s. 617.221, F.S., relating to membership associations.

**Section 2.** Provides an effective date of July 1, 2016.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

**1. Revenues:**

The bill may have an indeterminate positive fiscal impact on state government as a result of reducing litigation against the state by prohibiting membership associations from using monies received from public funds to pay for such litigation.

**2. Expenditures:**

The bill may have an insignificant but likely minimal negative fiscal impact on the state as a result of the Legislature having to receive and process the required annual reports from membership associations.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

**1. Revenues:**

None.

**2. Expenditures:**

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The bill may have an indeterminate but likely minimal negative fiscal impact on membership associations because they would be required to file an annual report with the Legislature.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

Not applicable. This bill does not appear to affect county or municipal governments.

**2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 26, 2016, the K-12 Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removes subsection 1001.32(3), F.S. from the definition of membership association.

This bill analysis is drafted to the committee substitute as passed by the K-12 Subcommittee.

A bill to be entitled

An act relating to membership associations; creating s. 617.221, F.S.; defining the term "membership association"; requiring a membership association to file an annual report with the Legislature; specifying report requirements; prohibiting a membership association from expending public funds on litigation against the state; requiring the Auditor General to conduct an annual financial and operational audit of membership associations; providing an effective date.

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

Section 1. Section 617.221, Florida Statutes, is created to read:

617.221 Membership associations; reporting requirements; restriction on use of funds.-

(1) As used in this section, the term "membership association" means a corporation not for profit, including a department or division of such corporation, the majority of the board members of which are constitutional officers who, pursuant to s. 1001.32(2), operate, control, and supervise public entities that receive annual state appropriations through a statutorily defined formulaic allocation that is funded and prescribed annually in the General Appropriations Act or the substantive bill implementing the annual appropriations act. The

27 term does not include a labor organization as defined in s.  
 28 447.02 or an entity funded through the Justice Administrative  
 29 Commission.

30 (2) A membership association shall file a report with the  
 31 President of the Senate and the Speaker of the House of  
 32 Representatives by January 1 of each year. The report must  
 33 provide:

34 (a) The name and address of the membership association and  
 35 any parent membership association or state, national, or  
 36 international membership association with which it is  
 37 affiliated.

38 (b) The names, titles, telephone numbers, and addresses of  
 39 the principal officers and all representatives of the membership  
 40 association.

41 (c) The amount of the fee required to become a member of  
 42 the membership association, if any, and the annual dues each  
 43 member must pay.

44 (d) The current annual financial statements of the  
 45 membership association, as described in s. 617.1605.

46 (e) A copy of the current constitution and bylaws of the  
 47 membership association.

48 (f) A description of the assets and liabilities of the  
 49 membership association at the beginning and end of the preceding  
 50 fiscal year.

51 (g) A description of the salary, allowances, and other  
 52 direct or indirect disbursements, including reimbursed expenses,

53 to each officer and to each employee who, during the preceding  
 54 fiscal year, received more than \$10,000 in the aggregate from  
 55 the membership association and any other state, national, or  
 56 international membership association affiliated with the  
 57 membership association.

58 (h) The annual amount of the following benefit packages  
 59 paid to each of the principal officers of the membership  
 60 association:

61 1. Health, major medical, vision, dental, and life  
 62 insurance.

63 2. Retirement plans.

64 3. Automobile allowances.

65 (i) The per-member amount of annual dues sent from the  
 66 membership association to each state, national, or international  
 67 affiliate.

68 (j) The total amount of direct or indirect disbursements  
 69 for lobbying activity at the federal, state, or local level  
 70 incurred by the membership association, listed by full name and  
 71 address of each person who received a disbursement.

72 (k) The total amount of direct and indirect disbursements  
 73 for litigation expenses incurred by the membership association,  
 74 listed by case citation.

75 (3) A membership association may not expend moneys  
 76 received from public funds, as defined in s. 215.85(3), on  
 77 litigation against the state.

78 (4) Dues paid to a membership association, which are paid

79 with public funds, shall be assessed for each elected or  
80 appointed public officer. If a public officer elects not to join  
81 the membership association, the dues assessed to such public  
82 officer may not be paid to the membership association.

83 (5) The Auditor General shall conduct an annual financial  
84 and operational audit of the accounts and records of each  
85 membership association.

86 Section 2. This act shall take effect upon becoming a law.



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1157 Postsecondary Education for Veterans
SPONSOR(S): Higher Education and Workforce Subcommittee, Raburn
TIED BILLS: IDEN./SIM. BILLS: SB 1638

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR or BUDGET/POLICY CHIEF. Row 1: Higher Education & Workforce Subcommittee, 11 Y, 0 N, As CS, Banner, Bishop. Row 2: Education Appropriations Subcommittee, Butler, Heflin. Row 3: Education Committee.

SUMMARY ANALYSIS

Florida law allows eligible members of the United State Armed Forces to earn college credit at public postsecondary institutions for college-level training and education acquired in the military. The bill expands this benefit to include honorably discharged veterans.

The bill requires the Department of Education to include the Excelsior College subject examination, Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test, and Defense Language Proficiency Test (DLPT) on the list of acceleration mechanisms for which credit may be awarded.

The bill modifies an existing tuition waiver qualification requirement for eligible recipients of a Purple Heart, or superior combat decoration. The bill expands the tuition waiver to include any eligible recipient of a Purple Heart, or superior combat decoration, enrolled in an eligible postsecondary institution who currently is a Florida resident, or was a Florida resident at the time of the military action that resulted in the awarding of the Purple Heart or other superior combat decoration.

The bill also requires the Department of Education to include successful completion of a United State Defense Language Institute Foreign Language Center program or passing score on the Defense Language Proficiency Test (DLPT) to the documentation an individual may provide to demonstrate mastery of subject area knowledge for purposes of meeting teacher certification requirements.

Increases in enrollment by students who qualify for this tuition waiver will require additional state funding in future years to cover these students' educational costs. The fiscal impact is indeterminate. See FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT.

The bill is effective July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### **College Credit for Military Training**

The Board of Governors and the State Board of Education are authorized to adopt regulations and rules, respectively, to enable eligible members of the United States Armed Forces to earn academic college credit at public postsecondary education institutions for college-level training and education acquired in the military.<sup>1</sup>

Board of Governors Regulation directs each state university board of trustees to “adopt a policy and process that enables students who are or were eligible members of the United States Armed Forces to earn appropriate academic college credit for college-level training and education acquired in the military.”<sup>2</sup> State Board of Education Rule directs each Florida College System institution to adopt a similar policy.<sup>3</sup>

Current law also allows for a variety of articulated acceleration mechanisms in order to shorten the time necessary for a student to complete the requirements associated with the completion of a high school diploma and a postsecondary degree.<sup>4</sup> The Department of Education (DOE) is required to identify and publish the minimum scores, maximum credit and course(s) for which credit is to be awarded for each College Level Examination Program (CLEP) subject examination, College Board Advanced Placement (AP) Program examination, Advanced International Certificate of Education (AICE) examination, and International Baccalaureate (IB) examination.<sup>5</sup> Each state university and Florida College System institution must award credit for specific courses for which competency has been demonstrated by successful passage of one the examinations identified.<sup>6</sup> The Articulation Coordinating Committee (ACC) also establishes passing scores and course and credit equivalents for the DSST (DANTES) and Excelsior College examinations. Public colleges and universities in Florida are not required to award the minimum recommended credit for DANTES and Excelsior exams as designated, but if a public institution awards credit consistent with ACC recommendations, all other public institutions must accept that credit in transfer.<sup>7</sup>

##### **Fee Waivers**

Florida law requires a state university, Florida College System institution, school district career center or charter technical career center to waive tuition for recipients of a Purple Heart or other superior combat decoration. Individuals must be enrolled as a degree or certificate seeking student, reside in the state while enrolled in the institution and have been a resident at the time the military action occurred.<sup>8</sup>

Accordingly, any veteran or active duty member who is a recipient of a Purple Heart or superior combat decoration and lives in Florida may receive this waiver. This would include any veteran or active duty member whose home of record was Florida at the time of the military action and who has maintained Florida residency, regardless of where he or she is physically residing.

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<sup>1</sup> Section 1004.096, F.S.

<sup>2</sup> Board of Governors Regulation 6.013, Military Veterans and Active Duty

<sup>3</sup> Rule 6A-14.0302, F.A.C.

<sup>4</sup> Section 1007.27(1), F.S.

<sup>5</sup> Section 1007.27(2), F.S.

<sup>6</sup> Section 1007.27(3), F.S. Florida Department of Education, *Articulation Coordinating Committee Credit-By-Exam Equivalencies Guidelines*, available at [www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf](http://www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf) (lasted updated December 2014).

<sup>7</sup> Rule 6A-10.024(7), F.A.C. and Board of Governors Regulation 6.006.

<sup>8</sup> Section 1009.26(8), F.S. and Board of Governors Regulation 7.008.

Data provided by the Board of Governors indicates that 46 Purple Heart waivers were granted during the 2012-2013 academic year.<sup>9</sup>

## **Educator Certification Requirements**

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Florida Department of Education.<sup>10</sup> Persons seeking employment at a public school as a school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or in another instructional capacity must be certified.<sup>11</sup> The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”<sup>12</sup>

To be eligible for an educator certificate, a person must:<sup>13</sup>

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- Earn a bachelor’s or higher degree from an accredited institution of higher learning<sup>14</sup> or from a nonaccredited institution identified by the department as having a quality program resulting in a bachelor’s or higher degree;<sup>15</sup>
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant’s disqualification from certification or employment;
- Be of good moral character; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

In addition, each applicant must submit an application and the required fee to the department.<sup>16</sup>

An applicant seeking a professional certificate must:

- Meet the basic eligibility requirements for certification;<sup>17</sup>
- Demonstrate mastery of general knowledge;<sup>18</sup>
- Demonstrate mastery of subject area knowledge;<sup>19</sup> and
- Demonstrate mastery of professional preparation and education competence.<sup>20</sup>

Mastery of subject area knowledge may be demonstrated by earning a qualifying bachelor’s or higher degree and passing the Florida-developed subject area examination specified in state board rule<sup>21</sup> or, if

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<sup>9</sup> Board of Governors analysis

<sup>10</sup> Sections 1012.55(1) and 1002.33(12)(f), F.S.

<sup>11</sup> Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S.

<sup>12</sup> Section 1012.54, F.S.; *see* rule 6A-4.001(1), F.A.C.

<sup>13</sup> Section 1012.56(2)(a)-(f), F.S.

<sup>14</sup> Section 1012.56(2)(c), F.S.; rule 6A-4.003(1), F.A.C. (approved accrediting agencies); *see also* 34 C.F.R. ss. 602.1-602.50; U.S. Department of Education, *Regional and National Institutional Accrediting Agencies*, [http://www2.ed.gov/admins/finaid/accred/accreditation\\_pg6.html#NationallyRecognized](http://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized) (last visited Nov. 23, 2015) (list of accrediting agencies approved by the U.S. Department of Education).

<sup>15</sup> Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant’s major field of study. Section 1012.56(2)(c), F.S.

<sup>16</sup> Section 1012.56(1), F.S.; *see* s. 1012.59, F.S. The fee for initial certification is \$75 per subject area. Rule 6A-4.0012(1)(a)1. and 2., F.A.C.

<sup>17</sup> Section 1012.56(2)(a)-(f), F.S.

<sup>18</sup> Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, [http://www.fldoe.org/edcert/mast\\_gen.asp](http://www.fldoe.org/edcert/mast_gen.asp) (last visited Nov. 23, 2015).

<sup>19</sup> Section 1012.56(2)(h) and (5), F.S.

<sup>20</sup> Section 1012.56(2)(i) and (6), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, [http://www.fldoe.org/edcert/mast\\_prof.asp](http://www.fldoe.org/edcert/mast_prof.asp) (last visited Nov. 23, 2015).

<sup>21</sup> Section 1012.56(5)(a), F.S. The Florida Teacher Certification Examinations include 44 subject area tests. Florida Department of Education, *Florida Teacher Certification Examinations*, [http://www.fl.nesinc.com/FL\\_TIGS.asp](http://www.fl.nesinc.com/FL_TIGS.asp) (last visited Nov. 23, 2015).

a Florida subject area examination has not been developed, achieving a passing score on a standardized examination specified in state board rule. An applicant may also demonstrate mastery of subject area knowledge by providing documentation of a valid professional standard teaching certificate issued for a subject area by another U.S. state or territory, by NBPTS, or by ABCTE, if the certificate is comparable to the Florida certificate issued for the same subject area.<sup>22</sup>

### Effect of Proposed Changes

Currently, eligible members of the United State Armed Forces are able to earn college credit at public postsecondary institutions for college-level training and education acquired in the military. The bill expands this benefit to include honorably discharged veterans.

The bill requires DOE to include the Excelsior College subject examination, Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test, and Defense Language Proficiency Test (DLPT) to the list of acceleration mechanisms for which college credit must be awarded. The Articulation Coordinating Committee (ACC) already identifies passing scores and course and credit equivalents for the DSST (DANTES) and Excelsior College examinations, but does not currently do so for the Defense language Proficiency Test (DLPT). The bill will require the ACC to convene faculty committees to review the DLPT examinations.

The bill modifies an existing tuition waiver qualification requirement for eligible recipients of a Purple Heart, or superior combat decoration. The bill expands the tuition waiver to include any eligible recipient of a Purple Heart, or superior combat decoration, who is enrolled in an eligible postsecondary institution and who currently is a Florida resident, or was a Florida resident at the time of the military action that resulted in the awarding of the Purple Heart or other superior combat decoration.

The bill also requires DOE to include successful completion of a United State Defense Language Institute Foreign Language Center program or passing score on the Defense Language Proficiency Test (DLPT) to the documentation an individual may provide to demonstrate mastery of subject area knowledge for purposes of meeting teacher certification requirements.

### B. SECTION DIRECTORY:

**Section 1.** Amends s.1004.096, F.S., to clarify that both active duty and honorably discharged veterans are able to earn academic college credit for college-level training and education acquired in the military.

**Section 2.** Amends s. 1007.27, F.S., to add specific subject examinations to be used for the demonstration of subject area knowledge.

**Section 3.** Amends s. 1009.26, F.S., to modify tuition waiver eligibility requirements for Purple Heart recipients.

**Section 4.** Amends s. 1012.56, F.S., to provide additional means by which an individual can verify subject area mastery in order to achieve teacher certification.

**Section 5.** Provides an effective date of July 1, 2016.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

##### **State University System**

The Board of Governors, based on 2012-2013 enrollment data of recipients of Purple Heart or other combat decoration receiving a tuition and fee waiver, estimates an annual unrealized tuition amount for the State University System of approximately \$270,000.<sup>23</sup>

According to the Board of Governors, the fiscal impact to the State University System is calculated by using the 2012-2013 FTE enrollment data for recipients of Purple Heart or other combat decoration because more current data is not available. Additionally, the 2015-2016 Tuition and Fee Survey is used to calculate the system average of lost revenues resulting from the exclusion of tuition and fees paid by these students.<sup>24</sup>

2014-2015 System Tuition and Fee Revenue = 46 \* 40 credits \* \$146.55 = \$269,652

#### 2. Expenditures:

The bill may require modification of rules and regulations by the State Board of Education and Board of Governors, respectively. Additionally, the bill requires the DOE and ACC to review additional examinations proposed as articulated acceleration mechanisms. The fiscal impact of these requirements is insignificant.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Specified recipients of the Purple Heart or other superior combat decoration who are not currently Florida residents will qualify for this tuition waiver at state universities, Florida College System institutions, career centers, and charter technical career centers if they were a Florida resident at the time of the military action that resulted in the awarding of the Purple Heart or other superior combat decoration. Currently, these individuals would be charged as a non-resident student, paying the out-of-state fee in addition to standard tuition and fees. Savings are outlined below:

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<sup>23</sup> State University System of Florida Board of Governor's 2016 Legislative Bill Analysis for HB 1157.

<sup>24</sup> Id.

<b>Tuition and Fees Per Credit/Clock Hour</b>		
	<b>Average Tuition and Fees</b>	
	<b>In-State</b>	<b>Out-of-State</b>
<b>COLLEGES</b>		
Associate	\$107	\$390
Baccalaureate	\$122	\$514
Career Certificates/Applied Technology Diploma <sup>1</sup>	\$83	\$329
<b>UNIVERSITIES</b>		
Undergraduate	\$198	\$688
<b>CAREER CENTERS (tuition - per clock hour)</b>		
Career Certificates/Applied Technology Diploma <sup>1</sup>	\$2.33	\$6.99
<sup>1</sup> Career Centers and Charter Technical Centers offer these programs as well. These represent Florida College System institutions' conversion from clock hour to credit hour. These rates are assessed in accordance with section 1009.22, Florida Statutes.		

**D. FISCAL COMMENTS:**

Generally, it may be difficult for institutions to identify the number of students who will meet the criteria outlined in the bill and opt to take advantage of the expanded benefits; therefore, the full potential fiscal impact is indeterminate.

Institutions may incur losses in tuition and out-of-state fee revenues for current students who become eligible as a result of this legislation. Currently, for both the Florida colleges and state universities, state funding provides approximately 57 percent of the cost of student's education, while student tuition provides 43 percent. Significant increases in enrollment will require additional state funding. Since there is no way to determine potential enrollment increases, the fiscal impact is indeterminate.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:  
None.
2. Other:  
None.

**B. RULE-MAKING AUTHORITY:**

The State board of Education and Board of Governors may be required to amend any rules or regulations inconsistent with the provisions of the bill.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 25, 2016, the Higher Education and Workforce Subcommittee adopted two amendments to the bill and reported the bill favorably as a committee substitute. The amendments:

- make a technical correction moving the language in the bill related to the college credit equivalencies for standardized military examinations to a more appropriate section of law, and
- clarify that any Purple Heart Recipient who is either currently a Florida resident OR was a Florida resident at the time the combat decoration was awarded is eligible for the fee waiver.

This analysis reflects the committee substitute as adopted by the Higher Education and Workforce Subcommittee.



27 | in the military. The regulations and rules shall include  
 28 | procedures for credential evaluation and the award of academic  
 29 | college credit, including, but not limited to, equivalency and  
 30 | alignment of military coursework with appropriate college  
 31 | courses, course descriptions, type and amount of college credit  
 32 | that may be awarded, and transfer of credit.

33 | Section 2. Subsection (2) of section 1007.27, Florida  
 34 | Statutes, is amended to read:

35 | 1007.27 Articulated acceleration mechanisms.—

36 | (2) The Department of Education shall annually identify  
 37 | and publish the minimum scores, maximum credit, and course or  
 38 | courses for which credit is to be awarded for each College Level  
 39 | Examination Program (CLEP) subject examination, College Board  
 40 | Advanced Placement Program examination, Advanced International  
 41 | Certificate of Education examination, ~~and~~ International  
 42 | Baccalaureate examination, Excelsior College subject  
 43 | examination, Defense Activity for Non-Traditional Education  
 44 | Support (DANTES) subject standardized test, and Defense Language  
 45 | Proficiency Test (DLPT). The department shall use student  
 46 | performance data in subsequent postsecondary courses to  
 47 | determine the appropriate examination scores and courses for  
 48 | which credit is to be granted. Minimum scores may vary by  
 49 | subject area based on available performance data. In addition,  
 50 | the department shall identify such courses in the general  
 51 | education core curriculum of each state university and Florida  
 52 | College System institution.

53 Section 3. Paragraphs (b) and (c) of subsection (8) of  
 54 section 1009.26, Florida Statutes, are amended to read:

55 1009.26 Fee waivers.—

56 (8) A state university, a Florida College System  
 57 institution, a career center operated by a school district under  
 58 s. 1001.44, or a charter technical career center shall waive  
 59 tuition for undergraduate college credit programs and career  
 60 certificate programs for each recipient of a Purple Heart or  
 61 another combat decoration superior in precedence who:

62 (b) Is currently, or ~~and~~ was at the time of the military  
 63 action that resulted in the awarding of the Purple Heart or  
 64 other combat decoration superior in precedence, a resident of  
 65 this state; and

66 (c) Submits to the ~~state~~ university, ~~the Florida College~~  
 67 ~~System~~ institution, or ~~the career center operated by a school~~  
 68 ~~district under s. 1001.44, or the charter technical career~~  
 69 ~~center~~ the DD-214 form issued at the time of separation from  
 70 service as documentation that the student has received a Purple  
 71 Heart or another combat decoration superior in precedence. If  
 72 the DD-214 is not available, other documentation may be  
 73 acceptable if recognized by the United States Department of  
 74 Defense or the United States Department of Veterans Affairs as  
 75 documenting the award.

76  
 77 Such a waiver for a Purple Heart recipient or recipient of  
 78 another combat decoration superior in precedence shall be

79 applicable for 110 percent of the number of required credit  
 80 hours of the degree or certificate program for which the student  
 81 is enrolled.

82 Section 4. Paragraphs (e) and (f) of subsection (5) of  
 83 section 1012.56, Florida Statutes, are amended and paragraphs  
 84 (g) and (h) are added to that subsection, to read:

85 1012.56 Educator certification requirements.—

86 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of  
 87 demonstrating mastery of subject area knowledge are:

88 (e) Documentation of a valid professional standard  
 89 teaching certificate issued by another state; ~~or~~

90 (f) Documentation of a valid certificate issued by the  
 91 National Board for Professional Teaching Standards or a national  
 92 educator credentialing board approved by the State Board of  
 93 Education;

94 (g) Documentation of successful completion of a United  
 95 States Defense Language Institute Foreign Language Center  
 96 program; or

97 (h) Documentation of a passing score on the Defense  
 98 Language Proficiency Test (DLPT).

99  
 100 School districts are encouraged to provide mechanisms for middle  
 101 grades teachers holding only a K-6 teaching certificate to  
 102 obtain a subject area coverage for middle grades through  
 103 postsecondary coursework or district add-on certification.

104 Section 5. This act shall take effect July 1, 2016.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1305 Student Health  
**SPONSOR(S):** Eagle and others  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 1196

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	12 Y, 0 N	Dehmer	Fudge
2) Education Appropriations Subcommittee		deNagy <i>SN</i>	Heflin <i>(initials)</i>
3) Education Committee			

### SUMMARY ANALYSIS

In 2012, the Legislature authorized pharmacists to administer epinephrine using an epinephrine auto-injector (EAI) in the event of an allergic reaction from a vaccine.

In 2013, public and private schools were authorized to purchase and store EAIs on campus. A school that stores EAIs must adopt a physician's protocol for administering the device. The law provides that except for willful and wanton conduct, trained school employees and the physicians who develop the school's protocol on administering the EAIs are protected from liability that may result from administering EAIs.

In 2014, the Legislature amended the law governing insect sting emergency treatment by creating new and expanding existing provisions in s. 381.88, F.S., related to emergency allergy treatment. The law also created s. 381.885, F.S. Together, these laws are referred to as the "Emergency Allergy Treatment Act."

Section 381.88(2)(b), F.S. defines "authorized entity" as an entity or organization at or in connection with which allergens capable of causing a severe allergic reaction may be present. The term includes, but is not limited to, restaurants, recreation camps, youth sports leagues, theme parks and resorts, and sports arenas. The term also includes a school for the purposes of the educational training programs for recognizing the symptoms of a severe allergic reaction and administering an EAI.

The bill includes private schools in the definition of authorized entities for the purpose of acquiring a supply of and administering EAIs. The law also applies the civil liability immunity protections in the Good Samaritan Act to private schools.

The bill authorizes public and private schools to receive EAIs free of charge or to purchase EAIs from a manufacturer or wholesale distributor at fair market value or a reduced price.

The bill does not appear to have a fiscal impact, see fiscal comments.

The bill takes effect July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

In 2012, the Legislature authorized pharmacists to administer epinephrine using an EAI in the event of an allergic reaction from a vaccine.<sup>1</sup> Pharmacists who obtain certification and are authorized to provide vaccines are required to complete a 3-hour continuing education course every two years on the safe and effective administration of vaccines.<sup>2</sup> The 3-hour course must be offered by a statewide professional association of physicians in this state and is considered part of the 30-hour continuing education requirement for biennial licensure renewal and recertification.<sup>3</sup> If a pharmacist fails to take the 3-hour course, the authorization to administer vaccines or epinephrine is revoked.<sup>4</sup>

In 2013, the Legislature authorized public and private schools to purchase and store EAI on campus.<sup>5</sup> A school that stores EAI must adopt a physician's protocol for administering the device.<sup>6</sup> The law provides that except for willful and wanton conduct, trained school employees and the physicians who develop the school's protocol on administering the EAI are protected from liability that may result from administering EAI.<sup>7</sup>

##### Good Samaritan Act

The Good Samaritan Act, found in s. 768.13, F.S., provides immunity from civil liability for those who render emergency care and treatment to individuals in need of assistance. The statute provides immunity from liability for civil damages to any person who:

- Gratuitously and in good faith renders emergency care or treatment either in direct response to emergency situations or at the scene of an emergency, without objection of the injured victim, if that person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.<sup>8</sup>
- Participates in emergency response activities of a community emergency response team if that person acts prudently and within scope of his or her training.<sup>9</sup>
- Gratuitously and in good faith renders emergency care or treatment to an injured animal at the scene of an emergency if that person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.<sup>10</sup>

In 2014, the Legislature amended the law governing insect sting emergency treatment by creating new and expanding existing provisions in s. 381.88, F.S., related to emergency allergy treatment.<sup>11</sup> The law also created s. 381.885, F.S.<sup>12</sup> Together, these laws are referred to as the "Emergency Allergy Treatment Act" ("the Act").

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<sup>1</sup> Section 465.189(3), F.S.

<sup>2</sup> Section 465.009(6)(a), F.S.

<sup>3</sup> *Id.*

<sup>4</sup> Section 465.009(6)(c), F.S.

<sup>5</sup> Section 1002.20(3)(i)2., F.S. (public schools) and section 1002.42(17)(a), F.S. (private schools).

<sup>6</sup> *Id.*

<sup>7</sup> Section 1002.20(3)(i)3., F.S. (public schools) and s. 1002.42(17)(b), F.S. (private schools).

<sup>8</sup> Section 768.13(2)(a), F.S.

<sup>9</sup> Section 768.13(2)(d), F.S.

<sup>10</sup> Section 768.13(3), F.S.

<sup>11</sup> Section 381.88, F.S.

<sup>12</sup> Section 381.885, F.S.

### Authorized Entity

The law defines “authorized entity” as an entity or organization at or in connection with which allergens capable of causing a severe allergic reaction may be present. The term includes, but is not limited to, restaurants, recreation camps, youth sports leagues, theme parks and resorts, and sports arenas. The term also includes a school for the purposes of the educational training programs for recognizing the symptoms of a severe allergic reaction and administering an EAI.<sup>13</sup>

### Epinephrine Use and Supply

Currently, public and private schools may purchase EAIs from a wholesale distributor and maintain the EAIs in a locked, secure location on its premises.

### Effect of Proposed Changes

The bill includes private schools along with public schools in the definition of authorized entities for the purpose of acquiring a supply of and administering EAIs. The law also applies the civil liability immunity protections in the Good Samaritan Act to private schools.

The bill authorizes public and private schools to receive EAIs free of charge or to purchase EAIs from a manufacturer or wholesale distributor at fair market value or a reduced price.

#### B. SECTION DIRECTORY:

**Section 1.** Amends s. 381.88, F.S., relating to emergency allergy treatment.

**Section 2.** Amends s. 1002.20, F.S., K-12 student and parent rights.

**Section 3.** Creates s. 1002.42, F.S., relating to private school’s epinephrine supply.

**Section 4.** Provides an effective date of July 1, 2016.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

The bill does not appear to have any impact on state revenues.

##### 2. Expenditures:

The bill does not appear to have any impact on state expenditures.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

The bill does not appear to have any impact on local government revenues.

##### 2. Expenditures:

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<sup>13</sup> Section 381.88(2)(b), F.S.  
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DATE: 1/27/2016

The bill does not appear to have any impact on local government revenues.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

According to the Department of Education, this bill has no fiscal impact.<sup>14</sup>

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

None.

**2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not Applicable.



27 | school students must receive accurate and timely information  
 28 | regarding their child's academic progress and must be informed  
 29 | of ways they can help their child to succeed in school. K-12  
 30 | students and their parents are afforded numerous statutory  
 31 | rights including, but not limited to, the following:

32 | (3) HEALTH ISSUES.—

33 | (i) Epinephrine use and supply.—

34 | 1. A student who has experienced or is at risk for life-  
 35 | threatening allergic reactions may carry an epinephrine auto-  
 36 | injector and self-administer epinephrine by auto-injector while  
 37 | in school, participating in school-sponsored activities, or in  
 38 | transit to or from school or school-sponsored activities if the  
 39 | school has been provided with parental and physician  
 40 | authorization. The State Board of Education, in cooperation with  
 41 | the Department of Health, shall adopt rules for such use of  
 42 | epinephrine auto-injectors that shall include provisions to  
 43 | protect the safety of all students from the misuse or abuse of  
 44 | auto-injectors. A school district, county health department,  
 45 | public-private partner, and their employees and volunteers shall  
 46 | be indemnified by the parent of a student authorized to carry an  
 47 | epinephrine auto-injector for any and all liability with respect  
 48 | to the student's use of an epinephrine auto-injector pursuant to  
 49 | this paragraph.

50 | 2. A public school may receive for free or purchase from a  
 51 | manufacturer or wholesale distributor as defined in s. 499.003  
 52 | at fair market value or reduced price and maintain in a locked,

53 | secure location on its premises a supply of epinephrine auto-  
 54 | injectors for use if a student is having an anaphylactic  
 55 | reaction. The participating school district shall adopt a  
 56 | protocol developed by a licensed physician for the  
 57 | administration by school personnel who are trained to recognize  
 58 | an anaphylactic reaction and to administer an epinephrine auto-  
 59 | injection. The supply of epinephrine auto-injectors may be  
 60 | provided to and used by a student authorized to self-administer  
 61 | epinephrine by auto-injector under subparagraph 1. or trained  
 62 | school personnel.

63 |         3. The school district and its employees and agents, and  
 64 | ~~including~~ the physician who provides the standing protocol for  
 65 | school epinephrine auto-injectors, are not liable for any injury  
 66 | arising from the use of an epinephrine auto-injector  
 67 | administered by trained school personnel who follow the adopted  
 68 | protocol and whose professional opinion is that the student is  
 69 | having an anaphylactic reaction:

70 |             a. Unless the trained school personnel's action is willful  
 71 | and wanton;

72 |             b. Notwithstanding that the parents or guardians of the  
 73 | student to whom the epinephrine is administered have not been  
 74 | provided notice or have not signed a statement acknowledging  
 75 | that the school district is not liable; and

76 |             c. Regardless of whether authorization has been given by  
 77 | the student's parents or guardians or by the student's  
 78 | physician, physician's assistant, or advanced registered nurse

79 practitioner.

80 Section 3. Subsection (17) of section 1002.42, Florida  
 81 Statutes, is amended to read:

82 1002.42 Private schools.-

83 (17) EPINEPHRINE SUPPLY.-

84 (a) A private school may receive for free or purchase from  
 85 a manufacturer or wholesale distributor as defined in s. 499.003  
 86 at fair market value or reduced price and maintain in a locked,  
 87 secure location on its premises a supply of epinephrine auto-  
 88 injectors for use if a student is having an anaphylactic  
 89 reaction. The participating private school shall adopt a  
 90 protocol developed by a licensed physician for the  
 91 administration by private school personnel who are trained to  
 92 recognize an anaphylactic reaction and to administer an  
 93 epinephrine auto-injection. The supply of epinephrine auto-  
 94 injectors may be provided to and used by a student authorized to  
 95 self-administer epinephrine by auto-injector under s.  
 96 1002.20(3)(i) or trained school personnel.

97 (b) The private school and its employees and agents, and  
 98 ~~including~~ the physician who provides the standing protocol for  
 99 school epinephrine auto-injectors, are not liable for any injury  
 100 arising from the use of an epinephrine auto-injector  
 101 administered by trained school personnel who follow the adopted  
 102 protocol and whose professional opinion is that the student is  
 103 having an anaphylactic reaction:

104 1. Unless the trained school personnel's action is willful

105 | and wanton;

106 |         2. Notwithstanding that the parents or guardians of the  
 107 | student to whom the epinephrine is administered have not been  
 108 | provided notice or have not signed a statement acknowledging  
 109 | that the school district is not liable; and

110 |         3. Regardless of whether authorization has been given by  
 111 | the student's parents or guardians or by the student's  
 112 | physician, physician's assistant, or advanced registered nurse  
 113 | practitioner.

114 |         Section 4. This act shall take effect July 1, 2016.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1359 Vocational Rehabilitation  
**SPONSOR(S):** Fresen  
**TIED BILLS:** IDEN./SIM. BILLS: SB 962

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	11 Y, 0 N	Banner	Bishop
2) Education Appropriations Subcommittee		deNagy <i>SN</i>	Heflin <i>ADP</i>
3) Education Committee			

### SUMMARY ANALYSIS

The 2015-2016 General Appropriations Act (GAA) includes proviso language requiring the Division of Vocational Rehabilitation to report significant measurable quarterly progress on specific performance indicators related to the vocational rehabilitation (VR) program. This requirement will expire on July 1, 2016.

The bill requires the division to develop and implement a performance improvement plan by October 1, 2016 aimed at achieving specified performance goals.

The bill also codifies in law existing reporting requirements enacted in the 2015-2016 GAA. The performance metrics are modified to align with new federal requirements outlined in the Workforce Innovation and Opportunity Act of 2014.

The Division of Vocational Rehabilitation will establish the improvement plan and meet the reporting requirements within existing resources. See fiscal section.

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

Vocational Rehabilitation (VR) is a federal-state program that assists individuals with disabilities prepare for, gain, or retain employment in meaningful careers.<sup>1</sup> The United States Department of Education's Rehabilitation Services Administration (RSA) oversees and administers the program and provides funds to state agencies for these services.<sup>2</sup> In Florida, the Division of Vocational Rehabilitation within the Department of Education is designated as the administrative unit responsible for ensuring compliance with federal and state laws.<sup>3</sup>

The Rehabilitation Act of 1973, as amended, provides that the purpose of VR services is to:

- Empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society; and
- Ensure that the federal government plays a leadership role in promoting the employment of individuals with disabilities and in assisting states and providers of services fulfill gainful employment and independent living aspirations of individuals with disabilities.<sup>4</sup>

The RSA oversees grant programs that help individuals with disabilities obtain employment and live more independently through the provision of such supports as counseling, medical and psychological services, job training and other individualized services. The RSA's major Title I formula grant program provides funds to state vocational rehabilitation agencies to provide employment-related services for individuals with disabilities.<sup>5</sup>

The Workforce Innovation and Opportunity Act of 2014 (WIOA), enacted on July 22, 2014,<sup>6</sup> aims to increase opportunities for individuals facing barriers to employment and increases the focus on the connection between education and career preparation. Beginning in March 2016, WIOA requires states to submit a unified plan to the U.S. Departments of Education and Labor outlining performance measures and benchmarks. Florida's unified plan will include the Department of Education's Divisions of Career and Adult Education, Vocational Rehabilitation and Blind Services, as well as CareerSource Florida. WIOA also requires state VR agencies to set aside a portion of federal funds for services related to youth beginning at age 15.<sup>7</sup>

Florida law defines a person with a disability as one that "has a physical or mental impairment that constitutes or results in substantial impediment to employment."<sup>8</sup> Such a person is eligible for VR services if they require assistance in preparing for, engaging in, or retaining gainful employment.<sup>9</sup> If an individual is deemed eligible for services by the division, then the division must:

- Complete an assessment for determining the eligibility and vocational rehabilitation needs, and

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<sup>1</sup> Division of Vocational Rehabilitation, Florida Department of Education, *Frequently Asked Questions*, <http://www.rehabworks.org/faq.shtml> (last visited January 20, 2016).

<sup>2</sup> Section 413.202, F.S.

<sup>3</sup> Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Appropriations Subcommittee on Education (Oct. 7, 2015), available at <http://www.oppaga.state.fl.us/Presentations.aspx>.

<sup>4</sup> 29 U.S.C. s. 701(b); see also Pub. L. No. 93-112, 87 Stat. 355 (Sep. 26, 1973).

<sup>5</sup> U.S. Department of Education, *Welcome to RSA*, <http://www2.ed.gov/about/offices/list/osers/rsa/index.html> (last visited January 19, 2016).

<sup>6</sup> Pub. L. No. 113-128, 128 Stat. 1425 (July 22, 2014).

<sup>7</sup> Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Appropriations Subcommittee on Education (Oct. 7, 2015), available at <http://www.oppaga.state.fl.us/Presentations.aspx>.

<sup>8</sup> Section 413.20(7), F.S.

<sup>9</sup> Section 413.30(1), F.S.

- Ensure that an individualized plan for employment (IPE)<sup>10</sup> is prepared, which must be jointly developed and signed by VR counselor or coordinator and the eligible individual, or in an appropriate case, a parent, family member, guardian, advocate, or authorized representative of the individual.<sup>11</sup> Each IPE must be reviewed annually and revised, as needed.<sup>12</sup>

Based on the individual's needs, services may include things such as vocational evaluation and planning, career counseling and guidance, job-site assessment and accommodations, job placement and coaching, and on-the-job training.<sup>13</sup>

In the event that sufficient resources are not available to serve all eligible individuals, federal law requires that individuals be served based on their level of disability through an Order of Selection (OOS) process.<sup>14</sup> The OOS categories include:

- Category 1 is comprised of individuals with the most significant disabilities;
- Category 2 is comprised of individuals with significant disabilities; and
- Category 3 is comprised of individuals with disabilities.<sup>15</sup>

The Rehabilitation Act of 1973 requires the RSA to develop evaluation standards and performance indicators, as well as establish minimum levels of performance for each.<sup>16</sup> These measures include, but are not limited to:

- Change in employment outcomes;
- Closed cases with employment;
- Closed cases with competitive employment;
- Individuals with significant disabilities who are employed;
- Comparison of earnings to all employed individuals; and
- Use of income to self-support.<sup>17</sup>

Each state VR agency is required to report on these data to the RSA annually. Those states that fail to meet the minimum levels of performance are required to develop a Program Improvement Plan (PIP) outlining specific actions to improve program performance.<sup>18</sup>

The 2015-2016 General Appropriations Act (GAA), which will expire on July 1, 2016, includes quarterly reporting requirements on the following measures:

- Average wait list time;
- Number of active cases (persons currently receiving services);
- Number and percentage of customers receiving postsecondary education;
- Number and percentage of customers receiving Career and Professional Education (CAPE) industry certifications;
- Number and percentage of customers gainfully employed;
- Average earnings of customers at placement; and

<sup>10</sup> Section 413.20(3), F.S.

<sup>11</sup> Section 413.30(5)(a), F.S.; Rule 6A-25.007, F.A.C.

<sup>12</sup> Section 413.30(5)(c), F.S.

<sup>13</sup> Division of Vocational Rehabilitation, Florida Department of Education, *Frequently Asked Questions*, <http://www.rehabworks.org/faq.shtml> (last visited January 20, 2016).

<sup>14</sup> U.S. Department of Education, *RSA – Frequently Asked Questions About RSA*, <http://www2.ed.gov/about/offices/list/osers/rsa/faq.html#services> (last visited Jan. 20, 2016).

<sup>15</sup> Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Appropriations Subcommittee on Education (Oct. 7, 2015), available at <http://www.oppaga.state.fl.us/Presentations.aspx>.

<sup>16</sup> U.S. Department of Education, *Evaluation Standards and Performance Indicators for the Vocational Rehabilitation Services Program*, <http://www2.ed.gov/rschstat/eval/rehab/standards.html> (last visited Jan. 20, 2016).

<sup>17</sup> Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Appropriations Subcommittee on Education (Oct. 7, 2015), available at <http://www.oppaga.state.fl.us/Presentations.aspx>.

<sup>18</sup> U.S. Department of Education, *Evaluation Standards and Performance Indicators for the Vocational Rehabilitation Services Program*, <http://www2.ed.gov/rschstat/eval/rehab/standards.html> (last visited Jan. 20, 2016).

- Number of students receiving preemployment transition services.<sup>19</sup>

### Effect of Proposed Changes

The bill requires the Division of Vocational Rehabilitation to develop and implement, by October 1, 2016, a performance improvement plan (PIP) based on the measureable quarterly progress indicators outlined in the 2015-2016 GAA. The PIP must address plans to achieve the following goals:

- Decreasing the average wait list time for serving clients.
- Increasing the percentage of participants who:
  - Are in unsubsidized employment during the second and fourth quarters after exit from the program;
  - Obtain a recognized postsecondary credential or a secondary school diploma (or its equivalent) within 1 year of exiting the program;
  - Enroll in education or training programs that lead to a recognized postsecondary credential or employment while in the program.
- Increasing the number of individuals earning CAPE industry certifications and CAPE postsecondary industry certifications and receiving pre-employment transition services.
- Increasing the median earnings of those in unsubsidized employment during the second quarter after exiting the program.
- Increasing the percentage of youth receiving pre-employment transition services without applying for additional VR services and who obtained an educational credential within 1 year of exiting the program.
- Increasing the division's effectiveness in serving employers, as indicated in the WIOA.

The bill also requires the division to submit, by December 1 of each year, a performance report to the Governor, the President of the Senate and the Speaker of the House of Representatives that includes:

- Caseload data, including the number of individuals who apply for and receive services, by service type;
- Service use data, by service type, including the number of units provided;
- Financial data, including expenditures for administration and the provision of services; and
- Outcome data, including the number of cases closed with and without employment.

The performance report must include information for the five most recent fiscal years, reported statewide and by service area.

#### B. SECTION DIRECTORY:

**Section 1.** Amends s. 413.207, F.S., codifying 2015-2016 General Appropriations Act language in law requiring the development of a performance improvement plan for the Division of Vocational Rehabilitation within the Department of Education.

**Section 2.** Provides an effective date of July 1, 2016

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

The bill does not appear to have any impact on state revenues.

##### 2. Expenditures:

<sup>19</sup> Specific Appropriation 35, s. 2, ch. 2015-232, L.O.F.  
 STORAGE NAME: h1359b.EDAS.DOCX  
 DATE: 1/27/2016

The Division of Vocational Rehabilitation will establish the improvement plan and meet the reporting requirements within existing resources.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government revenues.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.

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A bill to be entitled  
 An act relating to vocational rehabilitation; amending  
 s. 413.207, F.S.; requiring the Division of Vocational  
 Rehabilitation to initiate, by a specified date, a  
 performance improvement plan designed to achieve  
 specified goals; requiring the division to submit a  
 performance report annually, by a specified date, to  
 the Governor and the Legislature which includes  
 specified information; providing an effective date.

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

Section 1. Section 413.207, Florida Statutes, is amended  
 to read:

413.207 Division of Vocational Rehabilitation; quality  
 assurance; performance improvement plan.—

(1) The Division of Vocational Rehabilitation shall  
 maintain an internal system of quality assurance, have proven  
 functional systems, perform due diligence, review provider  
 systems of quality assurance, and be subject to monitoring for  
 compliance with state and federal laws, rules, and regulations.

(2) No later than October 1, 2016, the division shall  
 develop and implement a performance improvement plan designed to  
 achieve the following goals:

(a) Decrease the average wait list time for reportable  
 individuals.

27 (b) Increase the percentage of participants who are in  
 28 unsubsidized employment during the second quarter after they  
 29 exit from the program.

30 (c) Increase the percentage of participants who are in  
 31 unsubsidized employment during the fourth quarter after they  
 32 exit from the program.

33 (d) Increase the number of persons earning CAPE industry  
 34 certifications and CAPE postsecondary industry certifications  
 35 approved pursuant to s. 1008.44.

36 (e) Increase the median earnings of participants who are  
 37 in unsubsidized employment during the second quarter after they  
 38 exit from the program.

39 (f) Increase the percentage of participants who obtained a  
 40 recognized postsecondary credential or a secondary school  
 41 diploma or its recognized equivalent during participation in, or  
 42 within 1 year after their exit from, the program.

43 (g) Increase the percentage of youth who received  
 44 preemployment transition services without applying for  
 45 additional vocational rehabilitation services and who obtained a  
 46 recognized postsecondary credential or a secondary school  
 47 diploma or its recognized equivalent during participation in, or  
 48 within 1 year after their exit from, the program.

49 (h) Increase the percentage of participants who, during a  
 50 program year, are in an education or training program that leads  
 51 to a recognized postsecondary credential or to employment and  
 52 who are achieving a measurable gain of skill, including

53 | documented academic, technical, occupational gains or other  
 54 | forms of progress toward a postsecondary credential or  
 55 | employment.

56 | (i) Increase the number of students receiving pre-  
 57 | employment transition services.

58 | (j) Increase the division's effectiveness in serving  
 59 | employers, based on indicators developed as required by section  
 60 | 116(b)(2)(A)(iv) of the federal Workforce Innovation and  
 61 | Opportunity Act.

62 | (3) The goals established under subsection (2) must be  
 63 | designed to elevate the state vocational rehabilitation program  
 64 | to one of the top 10 in the nation.

65 | (4) By December 1 of each year, the division shall submit  
 66 | a performance report to the Governor, the President of the  
 67 | Senate, and the Speaker of the House of Representatives which  
 68 | includes the following information for each of the 5 most recent  
 69 | fiscal years:

70 | (a) Caseload data, including the number of individuals who  
 71 | apply for services and who receive services, by service type,  
 72 | reported statewide and by service area.

73 | (b) Service use data, by service type, including the  
 74 | number of units of service provided, statewide and by service  
 75 | area.

76 | (c) Financial data, by service type, including  
 77 | expenditures for administration and the provision of services.  
 78 | Expenditure data shall be reported on a statewide basis and by

79 service area, and expenditures for education-related services  
80 must be identified in specific categories such as tuition and  
81 fees, program fees, and support services.

82 (d) Outcome data, statewide and by service area, including  
83 the number of cases closed without employment and the number of  
84 cases closed with employment. Employment data must be provided  
85 separately for supported employment.

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



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1365 Competency-Based Education Pilot Program  
**SPONSOR(S):** Choice & Innovation Subcommittee, Rodrigues  
**TIED BILLS:** IDEN./SIM. BILLS: SB 1714

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	13 Y, 0 N, As CS	Dehmer	Healy
2) Education Appropriations Subcommittee		deNagy <i>SN</i>	Heflin <i>(AS)</i>
3) Education Committee			

### SUMMARY ANALYSIS

The bill creates the Competency-Based Education Pilot Program within the Department of Education to provide an educational environment that allows students to progress based upon the mastery of concepts and skills. The bill authorizes the Commissioner of Education to waive State Board of Education rules relating to pupil progression and the awarding of credit. Applications to participate are limited to the P.K. Yonge Developmental Research School and the Lake and Pinellas County school districts.

The bill:

- Requires the Department of Education to develop an application; compile specific information related to student and staff schedules; provide participating schools with access to statewide standardized assessments; and provide an annual report to the Legislature.
- Specifies reporting requirements for purposes of the Florida Education Finance Program.
- Outlines minimum provisions that must be included in the application.

Because this program is voluntary, it is unknown if any of the three districts will participate, therefore the fiscal impact of this bill is indeterminate. The Department of Education will establish the application and meet the reporting requirements within existing resources. See fiscal comments.

The bill takes effect July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### Student Progression Plan

Each school district is required to establish a comprehensive student progression plan that provides for a student's progression from one grade to another based on the student's mastery of the Next Generation Sunshine State Standards, specifically English Language Arts (ELA), mathematics, science, and social studies standards.<sup>1</sup> The plan must, among other things:

- Include criteria emphasizing student reading proficiency in kindergarten through grade 3 and provide targeted instructional support for students with identified deficiencies. High schools must use all available assessment results to advise students of any deficiencies and provide appropriate postsecondary preparatory instruction;<sup>2</sup>
- List student eligibility and procedural requirements established by the school district for whole-grade promotion, midyear promotion, and subject-matter acceleration;<sup>3</sup>
- Advise parents and students of the Academically Challenging Curriculum to Enhance Learning (ACCEL)<sup>4</sup> options;<sup>5</sup>
- Advise parents and students of early graduation options;<sup>6</sup>
- List all dual enrollment courses contained in the dual enrollment articulation agreement.<sup>7</sup>

Current law requires a student who does not score Level 3 or above on the statewide, standardized ELA assessment, statewide, standardized mathematics assessment, or the Algebra I end-of-course (EOC) assessment to be evaluated to determine the nature of student's difficulty, the areas of academic need, and strategies for providing supports to improve the student's performance.<sup>8</sup> The law specifies that students must pass the grade 3 ELA assessment to be promoted to grade 4.<sup>9</sup> Students retained in grade 3 must be provided intensive reading interventions<sup>10</sup> and may be promoted midyear after demonstrating their ability to read and perform at or above grade level in ELA.<sup>11</sup>

##### Credit Acceleration Program

The Credit Acceleration Program (CAP) allows students to earn credit based on demonstrating subject area competency. The program allows middle and high school students to earn high school credit in algebra I, algebra II, geometry, United States history, or biology if the student passes the statewide,

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<sup>1</sup> Section 1008.25(2), F.S.

<sup>2</sup> Section 1008.25(2)(a), F.S.

<sup>3</sup> Section 1008.25(2)(b), F.S.

<sup>4</sup> Section 1002.3105(1), F.S. ACCEL options are educational options that provide academically challenging curriculum or accelerated instruction to eligible public school students in kindergarten through grade 12.

<sup>5</sup> Section 1008.25(2)(c), F.S.

<sup>6</sup> Section 1008.25(2)(d), F.S.

<sup>7</sup> Section 1008.25(2)(e), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> To be promoted to grade 4, a student must score a Level 2 or higher on the grade 3 ELA assessment. A student must be retained in grade 3 if the student does not score Level 2 or higher on the grade 3 ELA assessment. Section 1008.25(5)(b), F.S. Florida law authorizes seven good cause exemptions from mandatory retention in grade 3. Section 1008.25(6)(b), F.S.

<sup>10</sup> Section 1008.25(7)(a), F.S.

<sup>11</sup> Section 1008.25(7)(b)3., F.S.; *see also* Rule 6a-1.094222, F.A.C.

standardized assessment, without enrolling in or completing the corresponding course. The student is permitted to take the assessment during the regular administration of the assessment.<sup>12</sup>

Similarly, students participating in virtual instruction, through district programs or through the Florida Virtual School, are required to participate in statewide standardized assessments during the regular administration of the assessments.<sup>13</sup>

### Awarding of Credit

Current law defines, for purposes of high school graduation requirements, one full credit as a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards, except as otherwise provided through CAP. For districts that have been authorized to implement block scheduling, one full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards. The State Board of Education determines the number of postsecondary credit hours earned through dual enrollment that equal one full credit of the equivalent high school course.<sup>14</sup>

In awarding credit for high school graduation, each district school board must maintain a one-half credit earned system that includes courses provided on a full-year basis. A student enrolled in a full-year course must receive one-half credit if the student successfully completes either the first half or the second half of a full-year course but fails to complete the other half of the course.<sup>15</sup>

### **Effect of Proposed Changes**

The bill creates the Competency-Based Education Pilot Program within the Department of Education to provide an educational environment to allow students to advance to higher levels of learning upon demonstrating mastery of concepts and skills. The program shall be administered for 5 years, and eligible applicants include the P.K. Yonge Developmental Research School and Lake and Pinellas County school districts.

The Department of Education must:

- Develop an application that must include, at a minimum:
  - The vision and timelines for implementation of the program, including first year participating schools and additional schools that will be added in subsequent years;
  - The annual goals and performance outcomes;
  - A communication plan for parents and stakeholders, including local business and community members;
  - The scope of and timelines for professional development for instructional and administrative personnel;
  - A plan for student progression based on mastery of content;
  - A plan for utilizing technology and digital and blended learning;
  - The proposed allocation of resources at the school and district level;
  - The recruitment and selection of participating schools; and
  - The rules relating to student progression and award of credits that the district intends to waive for participating schools.
- Compile student and staff schedules of participating schools before and after program implementation.

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<sup>12</sup> Section 1003.4295(3), F.S.

<sup>13</sup> See Sections 1002.37(9) and 1002.45(6), F.S.

<sup>14</sup> Section 1003.436(1)(a), F.S.

<sup>15</sup> Section 1003.436(2), F.S.

- Provide participants access to statewide, standardized assessments.
- Provide an annual report to the Legislature and the Governor, by June 1, summarizing the accomplishments of the program and recommendations for statutory revisions.
- Adopt rules to administer this program.

**B. SECTION DIRECTORY:**

**Section 1.** Creates s. 1003.4996, F.S., establishing the Competency-Based Education Pilot Program.

**Section 2.** Provides an effective date of July 1, 2016.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

The bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

See fiscal comments.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

See fiscal comments.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

Because this program is voluntary, it is unknown if any of the three districts will participate, therefore the fiscal impact of this bill is indeterminate. However, if a district chooses to participate, any fiscal impact would be absorbed within existing resources. The Department of Education will establish the application and meet the reporting requirements within existing resources.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill requires the State Board of Education to adopt rules to administer the pilot program.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 26, 2016, the Choice and Innovation Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Clarifies the Department of Education responsibilities, including access to statewide standardized assessments.
- Clarifies the Commissioner of Education's authority to waive State Board of Education rules regarding pupil progression and the awarding of credit.
- Provides a date by which the Department of Education must submit a report to the Governor and the Legislature about the accomplishments of the pilot program and recommendations for statutory revisions.
- Requires the State Board of Education to adopt rules to administer the program.

This bill analysis reflects the committee substitute as passed by the Choice and Innovation Subcommittee.

1                                   A bill to be entitled  
2           An act relating to the Competency-Based Education  
3           Pilot Program; creating s. 1003.4996, F.S.; creating  
4           the Competency-Based Education Pilot Program;  
5           providing for participation in the program and  
6           application requirements; exempting participating  
7           school districts from specified rules; providing for  
8           funding of students enrolled in participating schools;  
9           providing duties of the Department of Education;  
10          providing for rulemaking; providing an effective date.

11  
12   Be It Enacted by the Legislature of the State of Florida:

13  
14          Section 1.   Section 1003.4996, Florida Statutes, is created  
15   to read:

16          1003.4996   Competency-Based Education Pilot Program.—  
17   Beginning with the 2016-2017 school year, the Competency-Based  
18   Education Pilot Program is created within the Department of  
19   Education to be administered for a period of 5 years. The  
20   purpose of the pilot program is to provide an educational  
21   environment that allows students to advance to higher levels of  
22   learning upon the mastery of concepts and skills through  
23   statutory exemptions relating to student progression and the  
24   awarding of credits.

25          (1)   PARTICIPATION.—The P.K. Yonge Developmental Research  
26   School and the Lake and Pinellas County School Districts may

27 | submit an application in a format prescribed by the department  
 28 | to participate in the pilot program.

29 | (2) APPLICATION.—The application to participate in the  
 30 | pilot program must, at a minimum, include:

31 | (a) The vision and timelines for the implementation of  
 32 | competency-based education within the school district, including  
 33 | a list of the schools that will participate in the pilot program  
 34 | during the first school year and the list of schools that will  
 35 | be integrated into the program in subsequent school years.

36 | (b) The annual goals and performance outcomes for  
 37 | participating schools, including, but not limited to:

- 38 | 1. Student performance as defined in s. 1008.34.
- 39 | 2. Promotion and retention rates.
- 40 | 3. Graduation rates.
- 41 | 4. Indicators of college and career readiness.

42 | (c) A communication plan for parents and other  
 43 | stakeholders, including local businesses and community members.

44 | (d) The scope of and timelines for professional  
 45 | development for school instructional and administrative  
 46 | personnel.

47 | (e) A plan for student progression based on the mastery of  
 48 | content, including mechanisms that determine and ensure that a  
 49 | student has satisfied the requirements for grade-level promotion  
 50 | and content mastery.

51 | (f) A plan for using technology and digital and blended  
 52 | learning to enhance student achievement and facilitate the

53 | competency-based education system.

54 |     (g) The proposed allocation of resources for the pilot  
 55 | program at the school and district levels.

56 |     (h) The recruitment and selection of participating  
 57 | schools.

58 |     (i) The rules to be waived for participating schools  
 59 | pursuant to subsection (3) to implement the pilot program.

60 |     (3) EXEMPTION FROM RULES.—In addition to the waivers  
 61 | authorized in s. 1001.10(3), the State Board of Education may  
 62 | authorize the commissioner to grant an additional waiver of  
 63 | rules relating to student progression and the awarding of  
 64 | credits.

65 |     (4) STUDENT FUNDING.—Students enrolled in a participating  
 66 | school shall be reported for and generate funding pursuant to s.  
 67 | 1011.62.

68 |     (5) DEPARTMENT DUTIES.—The department shall:

69 |         (a) Compile the student and staff schedules of  
 70 | participating schools before and after implementation of the  
 71 | pilot program.

72 |         (b) Provide participating schools with access to  
 73 | statewide, standardized assessments required under s. 1008.22.

74 |         (c) Annually, by June 1, provide to the Governor, the  
 75 | President of the Senate, and the Speaker of the House of  
 76 | Representatives a report summarizing the activities and  
 77 | accomplishments of the pilot program and any recommendations for  
 78 | statutory revisions.

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79            (6) RULES.—The State Board of Education shall adopt rules  
80 to administer this section.  
81            Section 2. This act shall take effect July 1, 2016.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Education Appropriations  
 2 Subcommittee  
 3 Representative Slosberg offered the following:

4  
 5 **Amendment**

6 Remove line 26 and insert:  
 7 School and the Lake, Palm Beach, and Pinellas County School  
 8 Districts may