



Volume **22** | Number **2** | **March 9, 2015**

**N**ot many surprises during the first week of the legislative session, which opened Tuesday with its usual pomp, floral arrangements and speeches, including the State of the State address by Governor Scott.

Speaking before a joint session of the legislature, the Governor talked about Florida “exceptionalism” while encouraging lawmakers to cut more taxes, issue no tuition increases and use surplus revenue to make college more affordable.

Lawmakers answered that call by filing college-affordability omnibus bills in both chambers last week. The bills include textbook and meal-plan tax breaks, extension of the Bright Futures Scholarship Program into the summer semester, and modifications to when colleges and universities need to notify students of textbook costs.

Information on other bills working their way through the committee process is available in the Spotlight on Bills section of this newsletter.

This week, House and Senate Education Committees will hold workshops on their prospective university affordability proposals.

Last week, state economists issued revised projections on funds available for education-facilities construction and maintenance. Among their findings: Should the state decide to not engage in bonding, the maximum available appropriation for Public Education Capital Outlay would be \$342.3 million—a \$4.7 million decrease from December projections. However, if the state should engage in bonding, at the highest level there would be \$2.6 billion available, an \$84.5 million increase over December projections.

A reminder that legislative activity is broadcast live each day on the Florida Channel, which airs locally on Comcast channel 4 and 201, Centurylink channel 12, and online at [TheFloridaChannel.org](http://TheFloridaChannel.org).

As always, please feel free to contact me with questions, concerns or requests for bills and their analyses. I can be reached at **(850) 644-445** or via email at [kdaly@fsu.edu](mailto:kdaly@fsu.edu).

*Kathleen*

# FLORIDA Channel

Transparency in state government takes on deeper meaning with the start of the 2015 Legislative Session and The FLORIDA Channel is at the

center of this increased accessibility for Floridians.

For the first time, The FLORIDA Channel will televise, or stream, every committee meeting – as it's happening. A re-designed website and updated app means that users can access all meetings and events. The FLORIDA Channel is covering –

either live or in the archives. Simply click on what you want and the website delivers the content directly to your computer or hand-held device.

FLORIDA Channel programming can be seen locally on Comcast Channel 201 and 4, on Centurylink Channel 12 and of course, at **TheFLORIDAChannel.org**.

## FSU Day at the Capitol

The annual salute to Florida State's significant contributions to our state will take place on **Tuesday, March 17, from 9:00 am to 2:00 pm**.

**FSU Day at the Capitol** has become one of the most popular traditions during the legislative session, and provides a wonderful opportunity to showcase our University's programs and accomplishments to our friends in the legislature.

Through this event, Florida State is able to emphasize the University's long and proud heritage, and bring attention to the extraordinary achievements of our students, faculty and staff.

Preceding the day's festivities, a **"Seminole Evening"** reception will be held on **March 16 starting at 5:30 on the 22nd floor of the Capitol**. This special event is sponsored by the FSU Student Government Association and all University supporters are welcome to attend.

As always, **FSU Day at the Capitol** will include informative displays, which will be positioned throughout the plaza



level, second and third floor rotundas. Also featured will be University "celebrities" – administrators, legislative alumni and more – along with performances by the FSU pep band, cheerleaders and Flying High Circus. This year will include special recognitions of our National Championship soccer team as well.

A special celebration of all things FSU (including the soccer team) will

take place in the Capitol courtyard beginning at **11:30** with refreshments available for all to enjoy.

If your department has not yet signed up to display your achievements, please contact Toni Moore in the FSU Governmental Relations office at **tmoore@fsu.edu** or **644-3847**.

Mark your calendars now for this Garnet and Gold event on **March 17!**

# SPOTLIGHT ON **BILLS**

**SB 7028 -- Educational Opportunities for Veterans by Senator Thad Altman (R – Cape Canaveral)**, amends the Congressman C.W. “Bill” Young Veteran Tuition Waiver Program to allow additional persons eligibility for out-of-state tuition fee waivers currently afforded to honorably discharged veterans residing in Florida and enrolled in a state university, Florida College System institution, career center operated by a school district, or charter technical career center. The bill requires these institutions to waive out-of-state fees for any person who is entitled to and uses educational assistance through the U.S. Department of Veterans Affairs for a quarter, semester, or term beginning after July 1, 2015, and physically resides in Florida while enrolled. This addition allows individuals, such as a spouse or child of a veteran or service member using GI Bill benefits, to qualify for in-state tuition. The Board of Governors and the State Board of Education are required to adopt regulations and rules, respectively, to administer the out-of-state fee waivers in s. 1009.26(13).

The bill also repeals the statutory provision that limits the out-of-state fee waiver for honorably discharged veterans to 110 percent of the required credit hours of a degree or certificate program.

The bill reported favorably in the Appropriations Subcommittee on Education last week and is now in the Appropriations Committee. A

similar bill in the House, **HB 35 by Representative Richard Stark (D – Weston)** reported favorably in the Higher Education & Workforce Subcommittee and is now in the Veterans and Military Affairs Subcommittee.

**HB 1249 – Florida Retirement System by Representative Dan Raulerson (R – Plant City, FSU Alum)**, authorizes renewed membership in the retirement system for certain retirees and requires that certain retirees who are employed on or after June 30, 2016 be renewed members in the investment plan. The bill specifies that creditable service does not accrue for reemployed retiree during the period of July 1, 2010 through June 30 2016 and prohibits certain funds from being paid into renewed member’s investment plan account for specified period of employment. Additionally, the bill requires the employer and retiree to make applicable contributions to renewed member’s investment plan account. A similar committee bill in the Senate is expected to be filed this week.

**CS/CS/SB 182 – Public Records and Meetings/ Postsecondary Education Executive Search by Senator Alan Hays (R – Umatilla)**, creates exemptions from Florida’s public records and open meetings laws for any identifying information of an applicant for state university or Florida College System (FCS) institution president, provost, or dean. The bill provides that identifying

information of an applicant is exempt from public records requirements. The bill also closes meetings where applicants and potential applicants are discussed. Meetings held for the purpose of establishing the qualifications of potential applicants or formulating the compensation framework to be offered to applicants will continue to be public. No later than 30 days before a final action or vote is taken on hiring finalists, information and meetings related to the finalists will be subject to public records and open meetings laws.

As required by the Open Government Sunset Review Act, the bill provides for repeal of the exemptions on October 2, 2020, unless reviewed and saved from repeal by the Legislature. The bill also includes a statement of public necessity as required by the State Constitution. The bill reported favorably by the Government Oversight and Accountability Committee last week. A similar bill in the House, **HB 223 by Representative Neil Combee (R – Auburndale)** is now in the Higher Education and Workforce Subcommittee.

**SB 426 -- Trust Funds of the Department of Education and the Board of Governors of the State University System by Senator Don Gaetz (R – Destin)**, terminates five obsolete trust funds within the Department of Education or Board of Governors of the State University System: the Building Fee Trust Fund, the Replacement Trust Fund, the

University Concurrency Trust Fund, the Law Enforcement Trust Fund, and the Uniform Payroll Trust Fund. The bill also clarifies the administration of the Capital Improvement Fee Trust Fund by statutorily placing it under the Board of Governors, where it currently resides in practice, and directs state universities to deposit proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act into the appropriate local account. The bill passed out of the Senate last week and is waiting to be heard in the House. There is no House companion at this time.

**SB 7030 – Postsecondary Education for Students With Disabilities by Senator Kelli Stargel (R – Lakeland)**, establishes mechanisms for the approval of unique postsecondary education programs tailored to the needs of students with intellectual disabilities and statewide coordination of information. Specifically, the bill includes two key components:

- A process through which postsecondary institutions in Florida can voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP) for students with intellectual disabilities; and
- Florida Center for Students with Unique Abilities (statewide coordinating center) for statewide coordination of information regarding programs and services for students with disabilities and their parents.

While the FPCTPs are designed to serve as a postsecondary education program option for students with intellectual disabilities, the statewide coordinating center is designed to serve a broader group of students with disabilities and their parents. To assist with the implementation of

FPCTPs and statewide coordination of information, the bill establishes requirements for students to enroll in an FPCTP and receive state financial assistance in the form of an FPCTP Scholarship, requirements for institutions to offer FPCTPs, and duties and responsibilities for the statewide coordinating center to implement the bill's provisions.

The bill creates the Florida Center for Students with Unique Abilities and assigns the center with specific responsibilities. The bill also creates the FPCTP Scholarship with a maximum allowable award which will be as specified annually in the General Appropriations Act. The specific appropriation for these programs will be determined by the Legislature in the General Appropriations Act.

The bill reported favorably out of the Appropriations Subcommittee on Education last week and is now in the Appropriations Committee. There is no House companion at this time.

**CS/SB 642 – Individuals with Disabilities by Senator Lizbeth Benacquisto (R – Ft. Myers)**, creates the Florida Achieving a Better Life Experience (ABLE) program, which would assist individuals with disabilities in saving money without losing their eligibility for state and federal benefits, and thereby providing a pathway for economic independence and a better quality of life. ABLE accounts resemble in some respects the federal 529-college savings plan that are tax-advantaged savings accounts. The federal ABLE Act of 2014 ("ABLE Act"), authorizes states to establish ABLE programs as an agency or instrumentality of the state or contract with other states to administer such accounts if certain conditions are met.

The bill directs the Florida Prepaid College Board (Prepaid Board) to create Florida ABLE, Inc., as a direct support organization that must

be organized as a not-for-profit corporation. The board of directors of Florida ABLE, Inc., must include the Chair of the Prepaid Board, one member appointed by the Prepaid Board (who may be a member of the Prepaid Board) and one member appointed by the Governor, both of whom have experience in accounting, risk management, or investment management, one appointee of the President of the Florida Senate, and one appointee of the Speaker of the Florida House of Representatives. The legislative appointees would include one advocate for individuals with disabilities and one advocate for individuals with developmental disabilities. The bill provides that the Florida ABLE, Inc., would operate under a contract with the Prepaid Board. Florida ABLE, Inc., is required to implement the Florida ABLE Program on or before July 1, 2016. The bill reported favorably out of the Appropriations Subcommittee on Education last week and is now in the Appropriations Committee. A similar bill in the House, HB 935 by Representative Ray Rodrigues (R – Ft. Myers) reported favorably in the Children, Families and Seniors Subcommittee and is now in the Education Appropriations Subcommittee.

**CS/SB 602 – Students with Disabilities by Senator Don Gaetz (R – Destin)**, amends the Florida Personal Learning Scholarship Accounts Program (PLSA or program) by expanding the pool of eligible students, tightening program accountability requirements, streamlining program implementation, increasing the Department of Education's (DOE) responsibilities for implementation of the program, and clarifying program implementation. Specifically, the bill:

- Expands student eligibility to include all students on the autism spectrum, per the Diagnostic

and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5).

- Establishes eligibility dates for existing students to renew and new students to apply for the PLSA program.
- Requires that authorized expenditures be for educational purposes.
- Authorizes expenditures associated with part-time private tutoring from persons meeting specified requirements (e.g., certified teacher and special skills).
- Requires that interest accrued remain in a PLSA account for the parent to use for authorized purposes.
- Requires a licensed physician to approve specialized services before being provided by an approved provider.
- Allows parents the ability to receive the scholarship funds before the beginning of the school year.
- Requires an eligible nonprofit scholarship-funding organization (SFO) to notify program participants of their annual ability to request new or revised matrix of services.
- Authorizes the Commissioner of Education to determine the length of suspensions or terminations, and determine conditions for reinstating program eligibility.
- Adds an option for parents to use PLSA funds on providers from outside the State of Florida who meet similar regulation or approval requirements to those applicable to in-state providers for specialized services.
- Clarifies that kindergarten students approved via “high-risk” status must re-qualify under one of the

other disability categories when he/she reaches age 6 in order to renew program participation.

- Clarifies PLSA funds may be used toward enrollment at Independent Colleges and Universities of Florida (ICUF) institutions.
- Requires the Florida Prepaid College Board (Prepaid Board) to allow program funds to be used along with other funds to purchase a prepaid college plan, be separately tracked and accounted for, and used only after private prepaid funds in the account have been exhausted.

The bill increases the number of students potentially eligible for a scholarship by including all students on the autism spectrum. An estimated 860 additional autism spectrum students could participate in the program under the expanded definition, which would cost an additional \$8.6 million. However, since scholarships awarded under the program are on a first-come, first-served basis, the number of students receiving a scholarship is limited by the funds appropriated in the General Appropriations Act.

The bill reported favorably in the Appropriations Subcommittee on Education last week. A comparable bill in the House, **HB 723 by Representative Michael Bileca** was withdrawn prior to introduction.

**HB 7043 – School Choice by Representative Bob Cortes (R – Maitland)**, revises provisions relating to the charter school application, certain appeals, funding for and payments to charter schools, long-term charters, nonrenewal, termination, and closure of charter schools, financial statements, charter school representatives and public meetings, governing board residency requirements, high-performing charter schools, termination of

virtual instruction provider contracts, and charter school professional development. Additionally, the bill establishes the **Florida Charter School Innovation Institute at Florida State University**. The bill was filed last week. A comparable bill in the Senate, **SB 1448 by Senator John Legg (R – Lutz)** has been referred to the Education Pre-K – 12 Subcommittee, the Appropriations Subcommittee on Education and the Appropriations Committee.

**HB 477 – Background Screening by Representative Chris Spowls (R – Clearwater)**, revises the law governing educator background screening which currently does not include instructional personnel employed by state-approved virtual instruction providers in the Florida Shared School Results system (FSSR), an existing database designed to enable school districts to share background screening results of vendors and other individuals who contract with multiple districts. This often results in duplicative screening of these individuals, as school districts contracting with the virtual instruction provider have no way to share screening results. Among other things, the bill requires the Florida Department of Law Enforcement (FDLE) to enter background screening results of instructional personnel employed by such virtual instruction providers into the FSSR.

The bill also adds nine new crimes to the current list of 51 disqualifying offenses for educator certification and employment in positions requiring direct contact with students to include crimes relating to failure to report child abuse; evidencing prejudice while committing an offense, if reclassified as a felony; attempted felony murder; killing of an unborn child by injury to mother; human trafficking; weapons of mass destruction or hoax weapons of mass destruction; bribery; poisoning

food or water; and treason. Except for failure to report child abuse, each of these crimes is already specified in State Board of Education rule as grounds to suspend or dismiss instructional personnel.

The bill updates processes for retention and sharing of background screening results to align state law with the anticipated federal implementation of the national retained arrest print notification program. It also requires FDLE to identify in rule the fee assessed by the FBI for participation in the national retention program and limits screening fees school districts may charge to certain personnel and contractors. The bill reported favorably in the K-12 Subcommittee last week and is now the Appropriations Committee. The identical bill in the Senate, **SB 970 by Senator Kelli Stargel (R – Lakeland)** has been referred to the Education Pre-K – 12 Subcommittee, the Appropriations Subcommittee on Education and the Fiscal Policy Committee.

**HB 7043 – Standard Student Attire by Representative Janet Adkins (R – Fernandina Beach)**, creates the “Students Attired for Education (SAFE) Act” and enumerates the benefits of a standard student attire policy and consequently removes the requirement that school boards individually make such findings. The bill encourages district school boards to enact a policy requiring standard student attire in at least kindergarten through eighth grade by providing immunity from civil liability based upon adoption of the policy and providing additional funds to school boards that enact a standard student attire policy. Funding is calculated as up to \$10 per student in kindergarten through eighth grade in qualifying districts.

The bill provides a total of \$10,000,000 for qualifying districts.

The K-12 Subcommittee held four meetings to discuss efforts to increase academic outcomes for students. The discussions included the respective roles of district school boards, superintendents, and school principals. Presenters identified various factors that affect student outcomes such as attendance, discipline and academic intervention for students at risk of dropping out. A consistent theme from these discussions was the important role of a safe and supporting learning environment or the school’s climate. Several school districts testified that school uniforms, or standard student attire, was effective at creating a safe and supportive environment by minimizing discipline problems and thereby enabling students to focus on academics. There is no Senate companion at this time.

### **CS/SB 616 Education Accountability by Senator John Legg (R – Lutz)**

impacts statutory accountability provisions related to the state’s public school student assessment program, the educator performance evaluation system, and the statewide public school accountability system.

The bill maintains the statutorily provided 2014-2015 school year transition to the Florida Standards Assessments, including the suspension of negative consequences associated with school grades and school improvement ratings. Specifically, the bill makes the following adjustments to student assessment, performance evaluation requirements and school accountability.

### **Student Assessments**

The bill:

- Reduces the number of statutorily-required assessments by eliminating the current requirement

that a school district administer a local assessment for each course that is not assessed by a statewide, standardized assessment.

- Reduces the total time devoted to testing by adding a provision limiting the amount of time for test administration by limiting to no more than 5% of total school hours per student, per year, but provides exemptions for certain tests and certain students.
- Provides for timely information to teachers and parents by adding in law a provision requiring school districts to make student performance results on district-required local assessment available to the student’s teachers and parents within 30 days of test administration.
- Eliminates certain mandatory tests such as the Grade 11 Florida Standards Assessment (FSA) for English Language Arts (ELA) and the Postsecondary Education Readiness Test (PERT).
- Adds a new requirement for the State Board of Education to adopt in rule a notification form that districts must use to inform parents about 3rd grade retention and mid-year promotion and high school graduation requirements and available options.

### **Performance Evaluation Requirements**

The bill:

- Retains the ability for teachers and school administrators to receive performance pay adjustments if they meet specified conditions.
- Modifies teacher performance evaluations by requiring the student performance component to be at least 33%, the instructional practice component to constitute at least 33%, and the professional

and job responsibilities component constitute no more than 33%.

- Adds a new requirement that the instructional practice component of a teacher's performance evaluation have multiple observations by administrative personnel.
- Authorizes a new requirement

that the professional and job responsibilities component of a teacher's performance evaluation to utilize peer reviews.

### **School Accountability**

The bill creates, for schools and school districts that experience technical implementation issues during the 2014-2015 school year assessment, a one-time option to

use the 2014-2015 school year test results for diagnostic and baseline purposes only.

The bill reported favorably in the Education K-12 Subcommittee last week. A comparable bill in the House, **HB 1177 by Representative Dwight Dudley (D – St. Petersburg)** has been filed.

## **SESSION SCHEDULE**

### **SENATE SESSION**

THE SENATE WILL NOT CONVENE  
IN SESSION THIS WEEK

### **HOUSE SESSION**

TUESDAY, **MARCH 10** – 3:00 P.M.  
UNTIL COMPLETION

WEDNESDAY, **MARCH 11** – 4:00 P.M.  
UNTIL COMPLETION



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