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# **RULEMAKING & REGULATION SUBCOMMITTEE MEETING**

**Friday, February 3, 2012**

**9:00 A.M. – 10:00 A.M.**

**306 House Office Building**

## **ACTION PACKET**

Dean Cannon  
Speaker

Chris Dorworth  
Chair

**COMMITTEE MEETING REPORT**  
**Rulemaking & Regulation Subcommittee**

**2/3/2012 9:00:00AM**

**Location:** 306 HOB

**Summary:**

**Rulemaking & Regulation Subcommittee**

*Friday February 03, 2012 09:00 am*

HB 347	Favorable	Yeas: 15	Nays: 0
CS/HB 355	Favorable	Yeas: 11	Nays: 3
Amendment 095665	Withdrawn		
CS/HB 529	Favorable	Yeas: 14	Nays: 1
CS/HB 643	Favorable	Yeas: 14	Nays: 1
CS/HB 1191	Favorable With Committee Substitute	Yeas: 8	Nays: 6
Amendment 079227	Withdrawn		
Amendment 178211	Withdrawn		
Amendment 385347	Withdrawn		
Amendment 656089	Withdrawn		
Amendment 692473	Withdrawn		
Amendment 870251	Withdrawn		
Amendment 966083	Adopted Without Objection		
CS/HB 1261	Favorable With Committee Substitute	Yeas: 9	Nays: 5
Amendment 250465	Adopted Without Objection		
Amendment 448037	Adopted Without Objection		
Amendment 473319	Adopted Without Objection		
Amendment 962875	Adopted Without Objection		

Committee meeting was reported out: Friday, February 03, 2012 12:40:15PM

**COMMITTEE MEETING REPORT**  
**Rulemaking & Regulation Subcommittee**

**2/3/2012 9:00:00AM**

**Location:** 306 HOB

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Chris Dorworth (Chair)	X		
Frank Artiles	X		
Jeffrey Brandes	X		
Brad Drake	X		
Matt Gaetz	X		
Tom Goodson	X		
Matt Hudson	X		
Jimmy Patronis	X		
Scott Randolph	X		
Lake Ray	X		
Michelle Rehwinkel Vasilinda	X		
Hazelle Rogers	X		
Patrick Rooney, Jr.	X		
Franklin Sands	X		
Barbara Watson	X		
<b>Totals:</b>	<b>15</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Friday, February 03, 2012 12:40:15PM

**COMMITTEE MEETING REPORT**  
**Rulemaking & Regulation Subcommittee**

2/3/2012 9:00:00AM

**Location:** 306 HOB

**HB 347 : College Credit for Military Training and Education Courses**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Artiles	X				
Jeffrey Brandes	X				
Brad Drake	X				
Matt Gaetz	X				
Tom Goodson	X				
Matt Hudson	X				
Jimmy Patronis	X				
Scott Randolph	X				
Lake Ray	X				
Michelle Rehwinkel Vasilinda	X				
Hazelle Rogers	X				
Patrick Rooney, Jr.	X				
Franklin Sands	X				
Barbara Watson	X				
Chris Dorworth (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

**Appearances:**

Prendergast, Mike (Lobbyist) (State Employee) - Waive In Support  
 Fla. Dept. of veterans's affairs  
 2105 The Capitol  
 Tallahassee FL  
 Phone: 850-487-1533

Pitts, Brian - Waive In Support  
 Justice-2-Jesus  
 1119 Newton Ave. S.  
 St. Petersburg FL 33705  
 Phone: 727-897-9291

Committee meeting was reported out: Friday, February 03, 2012 12:40:15PM

**COMMITTEE MEETING REPORT**  
**Rulemaking & Regulation Subcommittee**

**2/3/2012 9:00:00AM**

**Location:** 306 HOB

**CS/HB 355 : Public Meetings**

*Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Artiles		X			
Jeffrey Brandes	X				
Brad Drake	X				
Matt Gaetz		X			
Tom Goodson		X			
Matt Hudson			X		
Jimmy Patronis	X				
Scott Randolph	X				
Lake Ray	X				
Michelle Rehwinkel Vasilinda	X				
Hazelle Rogers	X				
Patrick Rooney, Jr.	X				
Franklin Sands	X				
Barbara Watson	X				
Chris Dorworth (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 3</b>			

**CS/HB 355 Amendments**

**Amendment 095665**

*Withdrawn*

**Appearances:**

Pitts, Brian - Information Only  
 Justice-2-Jesus  
 1119 Newton Ave. S.  
 St. Petersburg FL 33705  
 Phone: 727-897-9291

Uhlfelder, Steven (Lobbyist) - Information Only  
 Florida Press Association  
 519 E Park Avenue  
 Tallahassee FL 32301  
 Phone: 850-980-6435

Conn, Kraig (Lobbyist) - Opponent  
 Florida League of Cities  
 301 S. Bronough  
 Tallahassee FL 32301  
 Phone: 850-222-9684

Committee meeting was reported out: Friday, February 03, 2012 12:40:15PM



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: Rulemaking & Regulation  
2 Subcommittee

3 Representative Watson offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 286.011, Florida Statutes, is amended  
8 to read:

9 286.011 Public meetings and records; public inspection;  
10 criminal and civil penalties.—

11 (1) All meetings of any board or commission of any state  
12 agency or authority or of any agency or authority of any county,  
13 municipal corporation, or political subdivision, or of any  
14 entity created under general, special or local law, ~~except as~~  
15 ~~otherwise provided in the Constitution,~~ at which official acts  
16 are to be taken are declared to be public meetings open to the  
17 public at all times, and no resolution, rule, ordinance, code,  
18 or formal action shall be ~~considered~~ binding except as taken or



Amendment No. 1

19 | made at such meeting. The following requirements shall apply as  
20 | to all meetings formal or informal:

21 |       (a) The board, entity or commission must provide reasonable  
22 | notice and the matters to be agendaed with all attachments no  
23 | less than three days prior to of all such meetings, unless  
24 | emergency in nature then it shall be no less than 24 hours. The  
25 | agenda may be amended thereafter when necessary. At least two  
26 | copies of the agenda with all attachments shall be available for  
27 | public inspection the day of each meeting.

28 |       (b) Citizens or other persons shall have the right to speak  
29 | within no less than three minutes, at the discretion of  
30 | presiding officer such may me extended, on any matter within  
31 | purview of the board, commission, or entity at the beginning of  
32 | the meeting either after the call to order or pledge and  
33 | invocation segment of the agenda as shown in the order printed.

34 |       (c) Citizens or other persons shall have the right to speak  
35 | within no less than three minutes, at the discretion of  
36 | presiding officer such may me extended, on all agenda items  
37 | which effect appointment of public officers, land use, taxes,  
38 | fees, rates, fines, rights, and interests of any given citizens,  
39 | persons or businesses such matters shall not be placed as  
40 | consent items on the agenda. All other matters such as awards,  
41 | presentations, reports, minutes, announcements, and internally  
42 | or solely administrative and ministerial or emergency in nature  
43 | cited on the agenda shall be at the discretion of the presiding  
44 | officer to allow public comment.

45 |       (d) On all matters listed on the agenda for public hearing  
46 | citizens or other persons shall have the right to speak within



Amendment No. 1

47 no less than three minutes, at the discretion of the presiding  
48 officer such may me extended, whether they are proponents,  
49 opponents or undecided on the item pending for action.

50 (e) Questions where clearly asked by citizens or other  
51 persons shall be responded to either at the meeting publicly or  
52 by some form of correspondence within ten days of the inquiry  
53 which answer shall be recorded with the minutes of the meeting  
54 for public inspection.

55 (f) At the discretion of the presiding officer over any  
56 meetings as prescribed in this section in which a large number  
57 of individuals wish to be heard, it may be required that  
58 representatives of groups or factions on an item, rather than  
59 all of the members of the groups or factions, address the board,  
60 entity, or commission.

61 (2) The minutes of a meeting of any such board or  
62 commission of any such state agency or authority, or entity  
63 shall be promptly recorded, and such records shall be open to  
64 public inspection. The circuit courts of this state shall have  
65 jurisdiction to issue injunctions to enforce the purposes of  
66 this section upon application by any citizen of this state or  
67 other person.

68 (3) (a) Any public officer who violates any provision of  
69 this section is guilty of a noncriminal infraction, punishable  
70 by fine not exceeding \$500.

71 (b) Any person who is a member of a board or commission or  
72 of any state agency or authority of any county, municipal  
73 corporation, or political subdivision, or of any entity created  
74 under general, special or local law who knowingly violates the

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Amendment No. 1

75 provisions of this section by attending a meeting not held in  
76 accordance with the provisions hereof is guilty of a misdemeanor  
77 of the second degree, punishable as provided in s. 775.082 or s.  
78 775.083.

79 (c) Conduct which occurs outside the state which would  
80 constitute a knowing violation of this section is a misdemeanor  
81 of the second degree, punishable as provided in s. 775.082 or s.  
82 775.083.

83 (4) Whenever an action has been filed against any board or  
84 commission of any state agency or authority or any agency or  
85 authority of any county, municipal corporation, or political  
86 subdivision, or of any entity created under general, special or  
87 local law to enforce the provisions of this section or to  
88 invalidate the actions of any such board, entity, commission,  
89 agency, or authority, which action was taken in violation of  
90 this section, and the court determines that the defendant or  
91 defendants to such action acted in violation of this section,  
92 the court shall assess a reasonable attorney's fee against such  
93 agency, and may assess a reasonable attorney's fee against the  
94 individual filing such an action if the court finds it was filed  
95 in bad faith or was frivolous. Any fees so assessed may be  
96 assessed against the individual member or members of such board  
97 or commission; provided, that in any case where the board or  
98 commission seeks the advice of its attorney and such advice is  
99 followed, no such fees shall be assessed against the individual  
100 member or members of the board, entity or commission. However,  
101 this subsection shall not apply to a state attorney or his or



Amendment No. 1

102 her duly authorized assistants or any officer charged with  
103 enforcing the provisions of this section.

104 (5) Whenever any board or commission of any state agency  
105 or authority or any agency or authority of any county, municipal  
106 corporation, ~~or~~ political subdivision, or of any entity created  
107 under general, special or local law appeals any court order  
108 which has found said board, entity, commission, agency, or  
109 authority to have violated this section, and such order is  
110 affirmed, the court shall assess a reasonable attorney's fee for  
111 the appeal against such board, entity, commission, agency, or  
112 authority. Any fees so assessed may be assessed against the  
113 individual member or members of such board, entity or  
114 commission; provided, that in any case where the board, entity  
115 or commission seeks the advice of its attorney and such advice  
116 is followed, no such fees shall be assessed against the  
117 individual member or members of the board, entity or commission.

118 (6) All persons subject to subsection (1) are prohibited  
119 from holding meetings at any facility or location which  
120 discriminates on the basis of sex, age, race, creed, color,  
121 origin, or economic status or which operates in such a manner as  
122 to unreasonably restrict public access to such a facility.

123 (7) Whenever any member of any board or commission of any  
124 state agency or authority or any agency or authority of any  
125 county, municipal corporation, ~~or~~ political subdivision, or of  
126 any entity created under general, special or local law is  
127 charged with a violation of this section and is subsequently  
128 acquitted, the board, entity or commission is authorized to



Amendment No. 1

129 reimburse said member for any portion of his or her reasonable  
130 attorney's fees.

131 (8) Notwithstanding the provisions of subsection (1), any  
132 board or commission of any state agency or authority or any  
133 agency or authority of any county, municipal corporation, or  
134 political subdivision, or of any entity created under general,  
135 special or local law, and the chief administrative or executive  
136 officer of the governmental entity, may meet in private with the  
137 entity's attorney to discuss pending litigation to which the  
138 entity is presently a party before a court or administrative  
139 agency, provided that the following conditions are met:

140 (a) The board, entity or commission ~~entity's~~ attorney  
141 shall advise the entity at a public meeting that he or she  
142 desires advice concerning the litigation.

143 (b) The subject matter of the meeting shall be confined to  
144 settlement negotiations or strategy sessions related to  
145 litigation expenditures.

146 (c) The entire session shall be recorded by a certified  
147 court reporter. The reporter shall record the times of  
148 commencement and termination of the session, all discussion and  
149 proceedings, the names of all persons present at any time, and  
150 the names of all persons speaking. No portion of the session  
151 shall be off the record. The court reporter's notes shall be  
152 fully transcribed and filed with the entity's clerk within a  
153 reasonable time after the meeting.

154 (d) The board, entity or commission ~~entity~~ shall give  
155 reasonable public notice of the time and date of the attorney-  
156 client session and the names of persons who will be attending



Amendment No. 1

157 the session. The session shall commence at an open meeting at  
158 which the persons chairing the meeting shall announce the  
159 commencement and estimated length of the attorney-client session  
160 and the names of the persons attending. At the conclusion of the  
161 attorney-client session, the meeting shall be reopened, and the  
162 person chairing the meeting shall announce the termination of  
163 the session.

164 (e) The transcript shall be made part of the public record  
165 upon conclusion of the litigation.

166 (9) This section shall preempt all other laws on public  
167 meetings unless stated otherwise by the constitution or general  
168 law and shall be supplementary to the constitution, general law  
169 or court precedent which are not in conflict herewith.

170 Section 2. The bill shall take effect July 1, 2012

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174

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**T I T L E   A M E N D M E N T**

175

Remove the entire title and insert:

176

**COMMITTEE MEETING REPORT**  
**Rulemaking & Regulation Subcommittee**

**2/3/2012 9:00:00AM**

**Location:** 306 HOB

**CS/HB 529 : Adult Day Care Centers**

*Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Artiles	X				
Jeffrey Brandes	X				
Brad Drake		X			
Matt Gaetz	X				
Tom Goodson	X				
Matt Hudson	X				
Jimmy Patronis	X				
Scott Randolph	X				
Lake Ray	X				
Michelle Rehwinkel Vasilinda	X				
Hazelle Rogers	X				
Patrick Rooney, Jr.	X				
Franklin Sands	X				
Barbara Watson	X				
Chris Dorworth (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 1</b>			

**Appearances:**

Pruitt, Ken (Lobbyist) - Waive In Support  
 Alzheimer's Community Care  
 30332 SW Collings Dr.  
 Port St. Lucie FL 34953  
 Phone: (772) 971-5760

Asztalos, Robert (Lobbyist) - Waive In Support  
 Florida Adult Day Care Association  
 5013 Centennial Oak Cir  
 Tallahassee FL 32308  
 Phone: (850)284-1166

Curva, Fely (Lobbyist) - Waive In Support  
 Alzheimer's Foundation of America  
 1212 Piedmont Drive  
 Tallahassee Florida 32312  
 Phone: 850-508-2256

Radcliffe, Ron (General Public) - Waive In Support  
 Alzheimer's Community Care, Inc.  
 800 Northpoint Pkwy 101-B  
 West Palm Beach FL 34997  
 Phone: (501)683-2700

Committee meeting was reported out: Friday, February 03, 2012 12:40:15PM

**COMMITTEE MEETING REPORT**  
**Rulemaking & Regulation Subcommittee**

**2/3/2012 9:00:00AM**

**Location:** 306 HOB

**CS/HB 529 : Adult Day Care Centers (continued)**

**Appearances: (continued)**

Hoza, Meghan (Lobbyist) - Waive In Support  
Alzheimer's Community Care  
10521 SW Village Center Dr. #101  
Port St. Lucie FL 34987  
Phone: 772-485-0693

Pitts, Brian - Opponent  
Justice-2-Jesus  
1119 Newton Ave. S.  
St. Petersburg FL 33705  
Phone: 727-897-9291

**Committee meeting was reported out: Friday, February 03, 2012 12:40:15PM**

**COMMITTEE MEETING REPORT**  
**Rulemaking & Regulation Subcommittee**

**2/3/2012 9:00:00AM**

**Location:** 306 HOB

**CS/HB 643 : Title Insurance**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Artiles	X				
Jeffrey Brandes	X				
Brad Drake		X			
Matt Gaetz	X				
Tom Goodson	X				
Matt Hudson	X				
Jimmy Patronis	X				
Scott Randolph	X				
Lake Ray	X				
Michelle Rehwinkel Vasilinda	X				
Hazelle Rogers	X				
Patrick Rooney, Jr.	X				
Franklin Sands	X				
Barbara Watson	X				
Chris Dorworth (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 1</b>			

**Appearances:**

Pitts, Brian - Opponent  
 Justice-2-Jesus  
 1119 Newton Ave. S.  
 St. Petersburg FL 33705  
 Phone: 727-897-9291

Committee meeting was reported out: Friday, February 03, 2012 12:40:15PM

**COMMITTEE MEETING REPORT**  
**Rulemaking & Regulation Subcommittee**

2/3/2012 9:00:00AM

**Location:** 306 HOB

**CS/HB 1191 : Parent Empowerment in Education**

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Artiles	X				
Jeffrey Brandes	X				
Brad Drake	X				
Matt Gaetz	X				
Tom Goodson		X			
Matt Hudson			X		
Jimmy Patronis	X				
Scott Randolph		X			
Lake Ray	X				
Michelle Rehwinkel Vasilinda		X			
Hazelle Rogers		X			
Patrick Rooney, Jr.	X				
Franklin Sands		X			
Barbara Watson		X			
Chris Dorworth (Chair)	X				
<b>Total Yeas: 8      Total Nays: 6</b>					

**CS/HB 1191 Amendments**

**Amendment 079227**

*Withdrawn*

**Amendment 178211**

*Withdrawn*

**Amendment 385347**

*Withdrawn*

**Amendment 656089**

*Withdrawn*

**Amendment 692473**

*Withdrawn*

**Amendment 870251**

*Withdrawn*

Committee meeting was reported out: Friday, February 03, 2012 12:40:15PM



**COMMITTEE MEETING REPORT**  
**Rulemaking & Regulation Subcommittee**

**2/3/2012 9:00:00AM**

**Location:** 306 HOB

**CS/HB 1191 : Parent Empowerment in Education (continued)**

**Amendment 966083**

*Adopted Without Objection*

**Appearances:**

Joanna Hassell (Lobbyist) - Waive In Support  
Foundation of Florida's Future  
215 S. Monroe Street, Suite 420  
Tallahassee FL 32301  
Phone: 850-391-3070

Jonathan Rees (Lobbyist) - Waive In Support  
Associated Industries of Florida  
516 N. Adams St.  
Tallahassee FL 32301  
Phone: 850-224-7173

West, Ryan (Lobbyist) - Waive In Support  
Florida Chamber of Commerce  
136 S. Bronough  
Tallahassee Florida 32301  
Phone: 850-521-1200

Committee meeting was reported out: Friday, February 03, 2012 12:40:15PM



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1191 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input checked="" type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation  
 2 Subcommittee  
 3 Representative Randolph offered the following:

**Amendment (with title amendment)**

Between lines 118 and 119, insert:

Section 4. Paragraph (b) of subsection (16) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(16) EXEMPTION FROM STATUTES.—

(b) Additionally, a charter school shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.

2. Chapter 119, relating to public records.

3. Section 1002.20(24) and (25), relating to K-12 student and parent rights relating to personnel evaluation reports and assignment to teachers.



Amendment No. 1

19       ~~4.3.~~ Section 1003.03, relating to the maximum class size,  
20 except that the calculation for compliance pursuant to s.  
21 1003.03 shall be the average at the school level.

22       ~~5.4.~~ Section 1012.22(1)(c), relating to compensation and  
23 salary schedules.

24       6. Section 1012.2315(5) and (7), relating to assistance to  
25 out-of-field teachers and assignment of teachers based upon  
26 performance evaluation.

27       ~~7.5.~~ Section 1012.33(5), relating to workforce reductions.

28       ~~8.6.~~ Section 1012.335, relating to contracts with  
29 instructional personnel hired on or after July 1, 2011.

30       ~~9.7.~~ Section 1012.34, relating to the substantive  
31 requirements for performance evaluations for instructional  
32 personnel and school administrators.

33

34

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37

**T I T L E   A M E N D M E N T**

38

Remove line 16 and insert:

39

1002.32, F.S.; correcting a cross-reference; amending s.

40

1002.33, F.S.; requiring charter schools to be in compliance

41

with provisions relating to notification to parents of teachers

42

teaching out-of-field and low-performing teachers; creating

43



Amendment No. 2

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: Rulemaking & Regulation  
2 Subcommittee

3 Representative Randolph offered the following:

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**Amendment (with title amendment)**

Remove lines 155-166 and insert:

(b) Only one eligible parent of an eligible student may sign the petition. An eligible parent may sign the petition one time only. An eligible parent is a parent whose signature appears on an official school enrollment or emergency contact document, student immunization record, or pertinent parental contact information against which the signature may be verified. An eligible student is a student who will be enrolled in the school in which the school turnaround option will be implemented or a student who is scheduled for the following school year for enrollment, according to the district school board's enrollment policies.

(c) A parent must date the petition on the day it is signed and identify the eligible student on the petition.



Amendment No. 2

20 (d) The school district must certify that the petition  
21 signatures meet the criteria of paragraph (4)(a) or may choose  
22 to verify signatures on the petition using documents outlined in  
23 paragraph (b) and certify that the petition signatures meet the  
24 criteria of paragraph (4)(a). A signed petition is valid only  
25 during the school year in which it is signed.

26 (e) A parent, student, or representative of an outside  
27 entity may not solicit or accept anything of value to the  
28 recipient, including a gift, loan, reward, promise of future  
29 employment, favor, or service, based upon an understanding that  
30 the petition signature would be influenced thereby. A person who  
31 violates this paragraph commits a misdemeanor of the first  
32 degree, punishable as provided in s. 775.082 or s. 775.083.

33 (f) It is unlawful for any person or outside entity to  
34 knowingly and willfully provide invalid, misleading, or untrue  
35 data or information regarding the performance results or  
36 performance history of any program or school turnaround option.  
37 A person who violates this paragraph commits a misdemeanor of  
38 the first degree, punishable as provided in s. 775.082 or s.  
39 775.083.

40  
41  
42  
43 -----  
44 **T I T L E A M E N D M E N T**

45 Remove line 26 and insert:

46 board; prohibiting certain actions that may influence a petition  
47 signature or provide invalid information regarding performance

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1191 (2012)

Amendment No. 2

48 results and providing penalties therefor; requiring rulemaking;

49 amending s. 1008.33,

50



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1191 (2012)

Amendment No. 3

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: Rulemaking & Regulation  
 2 Subcommittee  
 3 Representative Randolph offered the following:

**Amendment**

4  
 5  
 6 Remove lines 170-172 and insert:  
 7 is signed and dated by 60 percent of the eligible parents of  
 8 eligible students pursuant to paragraph (3) (b).  
 9



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1191 (2012)

Amendment No. 4

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: Rulemaking & Regulation  
 2 Subcommittee  
 3 Representative Randolph offered the following:

**Amendment**

4  
 5  
 6 Remove line 172 and insert:  
 7 are eligible to sign the petition pursuant to paragraph (3)(b).  
 8 To rescind their selection of a school turnaround option,  
 9 parents shall use the petition process required under this  
 10 section.  
 11





COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1191 (2012)

Amendment No. 5

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: Rulemaking & Regulation  
2 Subcommittee  
3 Representative Randolph offered the following:  
4

**Amendment**

6 Remove line 185 and insert:  
7 option selected by parents. If the district school board or the  
8 State Board of Education accepts the school turnaround option  
9 selected by parents, all eligible students of eligible parents  
10 who signed the petition shall be assigned to the turnaround  
11 school until the student graduates or articulates to the next  
12 school level.  
13



Amendment No. 6

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: Rulemaking & Regulation  
2 Subcommittee

3 Representative Randolph offered the following:

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**Amendment (with title amendment)**

Remove line 211 and insert:

record of the effectiveness to operate the school. An outside entity must:

- a. Certify that it is nonsectarian in its programs, admission policies, employment practices, and operations;
- b. Provide evidence of an administrative office located in the state and require its administrative staff to be state residents;
- c. Submit to the school district a detailed plan describing how the school curriculum and course content will conform to the Next Generation Sunshine State Standards or the common core standards;
- d. Submit to the school district an annual financial plan for each year of operation of the school for a minimum of 2



Amendment No. 6

20 years. The plan must contain anticipated fund balances based on  
21 revenue projections, a spending plan based on projected revenues  
22 and expenses, and a description of controls that will safeguard  
23 finances and projected enrollment trends; and

24 e. Provide evidence-based demonstration of a proven track  
25 record of improving student performance of a substantially  
26 similar student population.

27  
28  
29  
30 -----  
31 **T I T L E A M E N D M E N T**

32 Remove line 29 and insert:  
33 turnaround options; specifying requirements for the school  
34 turnaround option of contracting with an outside entity to  
35 operate the school; authorizing parents to submit a  
36



Amendment No. 7

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                        \_\_\_

**ADOPTED**

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation  
2 Subcommittee  
3 Representative Patronis offered the following:

**Amendment**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Subsection (3) of section 1001.10, Florida  
8 Statutes, is amended to read:

9 1001.10 Commissioner of Education; general powers and  
10 duties.—

11 (3) To facilitate innovative practices and ~~to allow~~ local  
12 selection of educational methods, the State Board of Education  
13 may authorize the commissioner to waive, upon the request of a  
14 district school board, state board ~~of Education~~ rules that  
15 relate to ~~district~~ school instruction and ~~school~~ operations,  
16 except those rules pertaining to civil rights, and student  
17 health, safety, and welfare. The Commissioner of Education is  
18 not authorized to grant waivers for any provisions in rule  
19 pertaining to the allocation and appropriation of state and



Amendment No. 7

20 local funds for public education; the election, compensation,  
21 and organization of school board members and superintendents;  
22 graduation and state accountability standards; financial  
23 reporting requirements; reporting of out-of-field teaching  
24 assignments under s. 1012.2315(5) ~~1012.42~~; public meetings;  
25 public records; or due process hearings governed by chapter 120.  
26 No later than January 1 of each year, the commissioner shall  
27 report to the Legislature and the State Board of Education all  
28 approved waiver requests in the preceding year.

29 Section 2. Paragraph (d) is added to subsection (21) of  
30 section 1002.20, Florida Statutes, and subsections (24) and (25)  
31 are added to that section, to read:

32 1002.20 K-12 student and parent rights.—Parents of public  
33 school students must receive accurate and timely information  
34 regarding their child's academic progress and must be informed  
35 of ways they can help their child to succeed in school. K-12  
36 students and their parents are afforded numerous statutory  
37 rights including, but not limited to, the following:

38 (21) PARENTAL INPUT AND MEETINGS.—

39 (d) Parent empowerment.—Parents of students who are  
40 assigned to a public school that does not improve performance  
41 following implementation of a school turnaround option under s.  
42 1008.33(5)(a) may submit a petition to the school district  
43 requesting implementation of a school turnaround option pursuant  
44 to s. 1003.07.

45 (24) PERSONNEL EVALUATION REPORTS.—Upon request by the  
46 parent of a public school student, the school district must  
47 provide the parent with the performance evaluation for each

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Amendment No. 7

48 classroom teacher assigned to his or her child, pursuant to s.  
49 1012.31.

50 (25) ASSIGNMENT TO TEACHERS.—

51 (a) Each school district shall annually notify the parent  
52 of each public school student assigned to a classroom teacher  
53 who is teaching out-of-field regarding such assignment. The  
54 notification must inform the parent that virtual instruction  
55 from a certified in-field teacher with an annual performance  
56 evaluation rating of effective or highly effective is available  
57 pursuant to s. 1012.2315(5).

58 (b) When a student is assigned to a classroom teacher who  
59 has received two consecutive annual performance evaluation  
60 ratings of unsatisfactory, two annual performance evaluation  
61 ratings of unsatisfactory within a 3-year period, or three  
62 consecutive annual performance evaluation ratings of needs  
63 improvement or a combination of needs improvement and  
64 unsatisfactory under s. 1012.34, the school district shall  
65 notify the parent regarding the performance evaluation rating of  
66 the classroom teacher. The notification must inform the parent  
67 that virtual instruction from a teacher with an annual  
68 performance evaluation rating of effective or highly effective  
69 is available pursuant to s. 1012.2315(7).

70 Section 3. Paragraph (c) of subsection (7) of section  
71 1002.32, Florida Statutes, is amended to read:

72 1002.32- Developmental research (laboratory) schools.—

73 (7) PERSONNEL.—

74 (c) Lab school faculty members shall meet the  
75 certification requirements of s. ~~ss.~~ 1012.32 and ~~1012.42.~~

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76 Section 4. Section 1003.07, Florida Statutes, is created  
77 to read:

78 1003.07 Parent empowerment.-

79 (1) This section may be cited as the "Parent Empowerment  
80 Act."

81 (2) Each school district must provide written notification  
82 to the parents of eligible students, as defined in paragraph

83 (3)(b), when a public school has been unable to improve  
84 performance following implementation of a school turnaround  
85 option and must implement a different option, as required under  
86 s. 1008.33(5). The written notification shall inform parents  
87 that they may, by petition, request implementation of a school  
88 turnaround option by the school in the following school year.

89 The notification shall be provided to parents within 30 calendar  
90 days after the school district receives notice from the  
91 Department of Education that the school must implement a  
92 different school turnaround option. The notification by the  
93 school district shall include:

94 (a) A description of each school turnaround option  
95 available for selection under s. 1008.33(5)(a);

96 (b) A description of the process for implementing school  
97 turnaround options, including the date by which the school  
98 district must submit its implementation plan to the State Board  
99 of Education;

100 (c) The date and location for submission of the petition;

101 (d) The date and location of the publicly noticed district  
102 school board meeting required under paragraph (4)(a), at which



Amendment No. 7

103 the school board shall consider any school turnaround option,  
104 including a parent petition; and

105 (e) School district contact information for additional  
106 questions.

107 (3) (a) Prior to the school district's selection and  
108 implementation of a different school turnaround option for the  
109 following school year, parents may submit a petition selecting  
110 an available school turnaround option, as described in the  
111 notification provided pursuant to paragraph (2) (a), for  
112 consideration by the district school board.

113 (b) Up to one parental vote per eligible student may be  
114 counted with respect to parental signatures on the petition. An  
115 eligible student is a student enrolled in the school in which  
116 the school turnaround option will be implemented or a student  
117 who is scheduled, the following school year, for assignment to  
118 the school in which the school turnaround option will be  
119 implemented, according to the district school board's enrollment  
120 policies.

121 1. A parental vote is the signature of one parent unless  
122 the other parent objects in writing to the petition vote in  
123 which case the parental vote counts for one-half per eligibile  
124 child. The objection must be made before the date of submission  
125 of the petition in subsection (2).

126 2. Notwithstanding subparagraph 1., a parental vote is the  
127 signature of the parent who has been assigned sole parental  
128 responsibility or ultimate responsibility for education  
129 decisions pursuant to s. 61.13.





## Amendment No. 7

130 (c) A parent must date the petition on the day it is  
131 signed and identify each eligible student on the petition. The  
132 parent's signature shall constitute a certification that the  
133 parent has a present intention to enroll each eligible student  
134 in the school if the turnaround option identified on the  
135 petition is selected. A parent may sign the petition prior to  
136 the initial notification provided to the parents of eligible  
137 students pursuant to subsection (2).

138 (d) If the school district chooses to verify signatures on  
139 the petition, the district shall use existing student enrollment  
140 documentation or other records containing parent signatures.  
141 However, a notarized signature of a person who is a parent of an  
142 eligible student shall be treated as valid. Signatures not  
143 verified within the established verification period shall be  
144 treated as valid.

145 (4) (a) The school turnaround option selected by parents  
146 must be considered for implementation by the district school  
147 board at a publicly noticed school board meeting if the petition  
148 is signed and dated by a majority of the parents of eligible  
149 students. A majority is more than one-half of the parents who  
150 are eligible to sign the petition pursuant to paragraph (3) (b).  
151 If petitions for more than one turnaround option are signed by a  
152 majority of the parents, that petition having the most such  
153 signatures shall be treated as the turnaround option selected by  
154 parents.

155 (b) The district school board may adopt the school  
156 turnaround option selected by parents or a different school  
157 turnaround option selected by the school board. If the district



Amendment No. 7

158 school board does not adopt the school turnaround option  
159 selected by parents, it must include that option with the  
160 implementation plan submitted to the State Board of Education  
161 under s. 1008.33(5)(b). If the state board determines that the  
162 school turnaround option selected by parents is more likely to  
163 improve the academic performance of students at the school, it  
164 shall remand the district school board's implementation plan to  
165 the school board. Upon remand, the district school board shall  
166 submit to the state board an implementation plan for the school  
167 turnaround option selected by parents.

168 (5) The State Board of Education shall adopt rules  
169 pursuant to ss. 120.536(1) and 120.54 to establish a model  
170 petition format, petition submission process, standards for  
171 verifying signatures, and timelines for district school board  
172 validation and consideration of a petition at a publicly noticed  
173 meeting. Such rules must provide the following:

174 (a) a sample petition form for each school turnaround  
175 option available for selection under s. 1008.33(5)(a) with  
176 simple instructions. Such sample petition form must be provided  
177 or made easily accessible at the time of the notification,

178 (b) a minimum of 30 days after initial notification  
179 provided to the parents of eligible students pursuant to  
180 subsection (2) for gathering petition signatures,

181 (c) a maximum of 30 days from the date the petition is  
182 submitted for the school district to verify the signatures,

183 (d) a minimum of 30 days must be provided between the  
184 submission of petitions and the district school board meeting to  
185 consider the plan,

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Amendment No. 7

186 (e) a submitted petition form may list only one school  
187 turnaround option identified in s. 1008.33(5)(a) that is not  
188 presently being implemented at the school,

189 (f) a parent may sign a petition for each turnaround  
190 option,

191 (g) a parent signature may not be rejected based on a lack  
192 of conformity to school records if the parent's identity and  
193 signature can be easily validated with a photo ID, a notarized  
194 signature verifying the identity of the signer, or the personal  
195 knowledge of a school employee, and

196 (h) a school district may not reject a parent signature on  
197 a petition selecting a turnaround option on the basis that the  
198 parent signed the petition prior to the initial notification in  
199 subsection (2).

200 Section 5. Subsection (5) of section 1008.33, Florida  
201 Statutes, is amended to read:

202 1008.33 Authority to enforce public school improvement.--

203 (5) (a) In the school year after a school is initially  
204 identified as a school in the lowest-performing category, the  
205 school district must submit a plan, which is subject to approval  
206 by the State Board of Education, for implementing one of the  
207 following school turnaround options at the beginning of the next  
208 school year. The plan must be implemented unless the school  
209 moves from the lowest-performing category:

210 1. Convert the school to a district-managed turnaround  
211 school by means that include implementing a turnaround plan  
212 approved by the Commissioner of Education which shall become the  
213 school's improvement plan;

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Amendment No. 7

214 2. Reassign students to another school and monitor the  
215 progress of each reassigned student;

216 3. Close the school and reopen the school as one or more  
217 charter schools, each with a governing board that has a  
218 demonstrated record of effectiveness; or

219 4. Contract with an outside entity that has a demonstrated  
220 record of effectiveness to operate the school.

221 (b) If a school does not move from the lowest-performing  
222 category during the initial year of implementing one of the  
223 school turnaround options in paragraph (a), the school district  
224 must submit a plan, which is subject to approval by the State  
225 Board of Education, for implementing a different option in  
226 paragraph (a) at the beginning of the next school year, unless  
227 the State Board of Education determines that the school is  
228 likely to move from the lowest-performing category if additional  
229 time is provided to implement intervention and support  
230 strategies. The State Board of Education shall determine whether  
231 a school district may continue to implement a school turnaround  
232 ~~an~~ option beyond 1 year while a school remains in the lowest-  
233 performing category. Parents of students who are assigned to a  
234 public school that is required to implement a different school  
235 turnaround option may petition the school district to implement  
236 a school turnaround option selected by the parents pursuant to  
237 s. 1003.07.

238 Section 6. Section 1012.2315, Florida Statutes, is amended  
239 to read:

240 1012.2315 Assignment of teachers.—



Amendment No. 7

241 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
242 disparities between teachers assigned to teach in a majority of  
243 schools that do not need improvement and schools that do need  
244 improvement pursuant to s. 1008.33. The disparities may be found  
245 in the assignment of temporarily certified teachers, teachers in  
246 need of improvement, and out-of-field teachers and in the  
247 performance of the students. It is the intent of the Legislature  
248 that district school boards have flexibility through the  
249 collective bargaining process to assign teachers more equitably  
250 across the schools in the district.

251 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF  
252 IMPROVEMENT.—School districts may not assign a higher percentage  
253 than the school district average of temporarily certified  
254 teachers, teachers in need of improvement, or out-of-field  
255 teachers to schools in one of the three lowest-performing  
256 categories under s. 1008.33(3)(b). Each school district shall  
257 annually certify to the Commissioner of Education that this  
258 requirement has been met. If the commissioner determines that a  
259 school district is not in compliance with this subsection, the  
260 State Board of Education shall be notified and shall take action  
261 pursuant to s. 1008.32 in the next regularly scheduled meeting  
262 to require compliance.

263 (3) SALARY INCENTIVES.—District school boards ~~may are~~  
264 ~~authorized to~~ provide salary incentives to meet the requirement  
265 of subsection (2). A district school board may not sign a  
266 collective bargaining agreement that precludes the school  
267 district from providing sufficient incentives to meet this  
268 requirement.

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Amendment No. 7

269 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of  
270 chapter 447 relating to district school board collective  
271 bargaining, collective bargaining provisions may not preclude a  
272 school district from providing incentives to high-quality  
273 teachers and assigning such teachers to low-performing schools.

274 (5) ASSISTANCE TO OUT-OF-FIELD TEACHERS.—

275 (a) Each district school board shall adopt rules for  
276 implementing an assistance plan for each classroom teacher who  
277 is teaching out-of-field. The assistance plan must provide  
278 teachers who are teaching out-of-field with priority  
279 consideration in professional development activities and require  
280 such teachers to participate in a certification or staff  
281 development program that provides the competencies required for  
282 the assigned duties. The assistance plan must also include  
283 duties of administrative personnel and other instructional  
284 personnel for assisting a teacher who is teaching out-of-field  
285 in providing instructional services to students.

286 (b) The school district shall annually notify the parent  
287 of each student who is assigned to a classroom teacher who is  
288 teaching subject matter that is:

- 289 1. Outside the field in which the teacher is certified;  
290 2. Outside the field that was the teacher's minor field of  
291 study; or  
292 3. Outside the field in which the teacher has demonstrated  
293 sufficient subject area expertise, as determined by district  
294 school board policy in the subject area to be taught.

295



Amendment No. 7

296 The notification must inform the parent that virtual instruction  
297 from a certified in-field teacher with an annual performance  
298 evaluation rating of effective or highly effective under s.  
299 1012.34 is available to his or her child through the virtual  
300 instruction options listed under s. 1002.321(4).

301 (6)(5) REPORT.-

302 ~~(a)~~ By July 1, 2012, the Department of Education shall  
303 annually report on its website, in a manner that is accessible  
304 to the public, the performance rating data reported by district  
305 school boards under s. 1012.34. The report must include the  
306 percentage of classroom teachers, instructional personnel, and  
307 school administrators receiving each performance rating  
308 aggregated by school district and by school.

309 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE  
310 EVALUATIONS.-

311 (a)(b) Notwithstanding ~~the provisions of s.~~  
312 1012.31(3)(a)2., each school district shall annually notify  
313 ~~report to~~ the parent of any student who is assigned to a  
314 classroom teacher or school administrator having two consecutive  
315 annual performance evaluation ratings of unsatisfactory under s.  
316 1012.34, two annual performance evaluation ratings of  
317 unsatisfactory within a 3-year period under s. 1012.34, or three  
318 consecutive annual performance evaluation ratings of needs  
319 improvement or a combination of needs improvement and  
320 unsatisfactory under s. 1012.34. The notification must inform  
321 the parent that virtual instruction from a teacher with a  
322 performance evaluation rating of highly effective or effective



Amendment No. 7

323 under s. 1012.34 is available to his or her child through the  
324 virtual instruction options listed under s. 1002.321(4).

325 (b) Upon request by the parent of a public school student,  
326 the school district shall provide the parent with the  
327 performance evaluation for each classroom teacher assigned to  
328 his or her child, pursuant to s. 1012.31.

329 (c) If a student is currently taught by a classroom  
330 teacher who receives, in that school year, a performance  
331 evaluation rating of needs improvement or unsatisfactory under  
332 s. 1012.34, the student may not be assigned the following school  
333 year to a classroom teacher, in the same subject area, who  
334 received a performance evaluation rating of needs improvement or  
335 unsatisfactory in the preceding school year.

336 Section 7. Section 1012.42, Florida Statutes, is repealed.

337 Section 8. This act shall take effect July 1, 2012.



**COMMITTEE MEETING REPORT**  
**Rulemaking & Regulation Subcommittee**

**2/3/2012 9:00:00AM**

**Location:** 306 HOB

**CS/HB 1261 : State Employment**

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Artiles	X				
Jeffrey Brandes	X				
Brad Drake	X				
Matt Gaetz	X				
Tom Goodson	X				
Matt Hudson			X		
Jimmy Patronis	X				
Scott Randolph		X			
Lake Ray	X				
Michelle Rehwinkel Vasilinda		X			
Hazelle Rogers		X			
Patrick Rooney, Jr.	X				
Franklin Sands		X			
Barbara Watson		X			
Chris Dorworth (Chair)	X				
<b>Total Yeas: 9</b>		<b>Total Nays: 5</b>			

**CS/HB 1261 Amendments**

**Amendment 250465**

*Adopted Without Objection*

**Amendment 448037**

*Adopted Without Objection*

**Amendment 473319**

*Adopted Without Objection*

**Amendment 962875**

*Adopted Without Objection*

**Appearances:**

Martin, Douglas (Lobbyist) - Information Only  
 AFSCME Florida Council 79  
 3064 Highland Oaks Ter  
 Tallahassee FL 32301  
 Phone: (850)212-7447

Committee meeting was reported out: Friday, February 03, 2012 12:40:15PM

**COMMITTEE MEETING REPORT**  
**Rulemaking & Regulation Subcommittee**

**2/3/2012 9:00:00AM**

**Location:** 306 HOB

**CS/HB 1261 : State Employment (continued)**

**Appearances: (continued)**

Jim Tolley (Lobbyist) - Opponent  
Florida Prof. Firefighters  
345 West Madison St.  
Tallahassee FL 32301  
Phone: 850-224-7333

Pitts, Brian - Waive In Support  
Justice-2-Jesus  
1119 Newton Ave. S.  
St. Petersburg FL 33705  
Phone: 727-897-9291

Sharon Larson (State Employee) - Information Only  
FL. Dept. of Management Services  
4050 Esplanade Way  
Tallahassee FL 32399  
Phone: 850-922-5449

Committee meeting was reported out: Friday, February 03, 2012 12:40:15PM



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1261 (2012)

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: Rulemaking & Regulation  
 2 Subcommittee  
 3 Representative Mayfield offered the following:

**Amendment**

Remove lines 301-303 and insert:

7     (3)~~(5)~~ Nothing in this chapter shall be construed either  
 8 to infringe upon or to supersede the rights guaranteed public  
 9 employees under chapter 447.

Remove lines 627-629



Amendment No. 2

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: Rulemaking & Regulation  
 2 Subcommittee  
 3 Representative Mayfield offered the following:

**Amendment**

Remove lines 1980-1989 and insert:

7 The length of the probationary period may not exceed 18 months.  
 8 An employee who has not attained merit status in his or her  
 9 current position serves at the pleasure of the agency head and  
 10 may be dismissed at the discretion of the agency head.

11 (3) If an employee who has received an internal agency  
 12 promotion from a position in which the employee held merit  
 13 status is to be dismissed from the promotional position for  
 14 failure to meet the established performance standards of the  
 15 promotional position while in probationary status, the agency,  
 16 before dismissal, shall return the employee to his or her former  
 17 position, or to a position with substantially similar duties and  
 18



Amendment No. 3

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: Rulemaking & Regulation  
 2 Subcommittee  
 3 Representative Mayfield offered the following:

**Amendment**

Remove lines 3215-3232 and insert:

7        112.920 ~~110.1225~~ Furloughs.—~~If~~ When a deficit is certified  
 8 or projected to occur by the Revenue Estimating Conference  
 9 pursuant to s. 216.221 ~~216.136(3)~~, in any state fund that  
 10 supports salary and benefit appropriations for state employees,  
 11 the affected state agency or the judicial branch may propose,  
 12 upon approval by the Governor or the Chief Justice of the  
 13 Supreme Court, as appropriate, a furlough plan and related  
 14 budget amendments for consideration by the Legislative Budget  
 15 Commission. The Legislative Budget Commission, after  
 16 consultation with the Revenue Estimating Conference regarding  
 17 the projected deficit, may approve or disapprove the plan and  
 18 budget amendments in total. This subsection is subject to the  
 19 notice and review procedures set forth in s. 216.177



Amendment No. 3

20 ~~Administration Commission may propose a furlough plan to the~~  
21 ~~Legislature, which must approve or disapprove such plan. The~~  
22 plan must identify all affected positions and ensure that all  
23 affected employees within a budget entity are subject to the  
24 same reduction of hours for the same number of pay periods with  
25 a commensurate reduction in pay.

26 (2) If authorized by the Legislature as a cost-savings  
27 measure to address anticipated short-term shortfalls to funds  
28 that support salary and benefit appropriations for state  
29 employees for a specified fiscal year, a state agency or the  
30 judicial branch may also impose furloughs as directed by the  
31 Legislature in the General Appropriations Act.

32 (3) For the purposes of this section, the term "furlough"  
33 means a temporary reduction in the regular hours of employment  
34 administered as leave without pay.



Amendment No. 4

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: Rulemaking & Regulation  
 2 Subcommittee

3 Representative Mayfield offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 263-268 and insert:  
 7 Section 1. Chapter 110, Florida Statutes, is renamed  
 8 "State Personnel System."

9 Section 2. Part I of chapter 110, Florida Statutes, is  
 10 renamed "General Provisions."

11

12 Remove lines 505-512 and insert:  
 13 110.1055 Rules and rulemaking authority.—

14 The department ~~of Management Services~~ shall adopt rules as  
 15 necessary to effectuate the provisions of this chapter, ~~as~~  
 16 ~~amended by this act, and in accordance with the authority~~  
 17 ~~granted to the department in this chapter. All existing rules~~  
 18 ~~relating to this chapter are statutorily repealed January 1,~~  
 19 ~~2002, unless otherwise readopted.~~



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Remove lines 630-634 and lines 707-708 and lines 824-825 and lines 942-943 and lines 1054-1055 and lines 1104-1105 and lines 1120-1121 and lines 1140-1141 and lines 1210-1211 and lines 1710-1711 and lines 1759-1760 and lines 1847-1848 and lines 1888-1889 and lines 1909-1910 and lines 1942-1943 and lines 2126-2127 and lines 2332-2333 and lines 3602-3604

Remove lines 769-773 and insert:

~~(5) The Department of Management Services, in consultation with the agencies and, to the extent applicable, with Florida's public community colleges, public career centers, and public universities, shall adopt rules to administer this section.~~

Remove lines 893-896 and insert:

~~(6) The department shall review and monitor executive agency actions in carrying out the rules adopted by the department pursuant to this section.~~

Remove line 909 and insert:

The department ~~of Management Services~~ shall establish

Remove lines 1312-1314 and insert:

Section 22. Part II of chapter 110, Florida Statutes, is renamed "Civil Service."

Remove lines 1866-1869 and insert:





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47 ~~(4) All recruitment literature involving state position~~  
48 ~~vacancies shall contain the phrase "An Equal Opportunity~~  
49 ~~Employer/Affirmative Action Employer."~~

50

51 Remove lines 2151-2154 and insert:

52 ~~(3) The department may adopt rules to administer the~~  
53 ~~public employee performance evaluation system which establish~~  
54 ~~procedures for performance evaluation, review periods, and~~  
55 ~~forms.~~

56

57 Remove lines 2345-2349 and insert:

58 Section 36. Part V of chapter 110, Florida Statutes, is  
59 renumbered as part III of that chapter, consisting of ss.  
60 110.302-110.3023, Florida Statutes, and is renamed "Selected  
61 Exempt Service."

62

63 Remove lines 2498-2502 and insert:

64 Section 41. Part III of chapter 110, Florida Statutes, is  
65 renumbered as part IV of that chapter, consisting of ss.  
66 110.401-110.4035, Florida Statutes, and is renamed "Senior  
67 Management Service."

68

69 Remove lines 2701-2704 and insert:

70 Section 46. Part IX of chapter 112, Florida Statutes,  
71 consisting of ss. 112.906-112.934, Florida Statutes, is created  
72 and entitled "State Employment."

73

74



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Remove lines 2915-2917 and insert:

harassment is a form of discrimination. Each state agency with authority to govern the terms and conditions of employment for its employees ~~The department~~ shall adopt uniform sexual harassment

Remove lines 2937-2938 and insert:

(2) Each state agency with authority to govern the terms and conditions of employment for its employees ~~The employing~~

Remove lines 3653-3656 and insert:

Section \_\_. Section 112.934, Florida Statutes, is created to read:

Section 112.934 Rulemaking authority. -

(1) Except as provided in subsections (2) and (3), each state agency with authority to govern the terms and conditions of employment for its employees is authorized to adopt rules as necessary to implement the provisions of this part.

(2) The department is authorized to adopt rules as necessary to implement ss. 112.915, 112.916, 112.919, 112.922, 112.926, 112.927, 112.929, F.S.

(3) Except as may be specifically provided therein, no rulemaking is authorized for ss. 112.908, 112.917, 112.920, 112.921, and 112.925.

(4) On the effective date of this act, any rule adopted by the department that implements a statute incorporated into this part shall remain in force, and may be followed by any agency



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102 authorized to adopt rules under this section, until that agency  
103 adopts a replacement rule.

104 Section 75. Part X of chapter 112, Florida Statutes,  
105 consisting of ss. 112.940-112.953, Florida Statutes, is created  
106 and entitled "State Administered Benefits."

107

108 Remove lines 3988-3992 and insert:

109 Section \_\_. Section 112.953, Florida Statutes, is created  
110 to read:

111 112.953 Definition; rulemaking authority.-

112 (1) For purposes of this part, "department" means the  
113 Department of Management Services.

114 (2) The department is authorized to adopt rules as  
115 necessary to implement the provisions of this part.

116 Section 89. Part IV of chapter 110, Florida Statutes, is  
117 renumbered as part XI of chapter 112, Florida Statutes,  
118 consisting of ss. 112.961-112.966, Florida Statutes, and is  
119 renamed "State Volunteer Services."

120

121 Between lines 4147 and 4148, insert:

122 Section \_\_. Section 112.966, Florida Statutes, is created  
123 to read:

124 112.966 Rulemaking authority.-

125 Each state agency with authority to govern the terms and  
126 conditions of employment for its employees is authorized to  
127 adopt rules as necessary to implement the provisions of this  
128 part. On the effective date of this act, any rule adopted by the  
129 department that implements a statute incorporated into this part



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130 shall remain in force, and may be followed by any agency  
131 authorized to adopt rules under this section, until that agency  
132 adopts a replacement rule.

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137 **T I T L E A M E N D M E N T**

138 Remove lines 2-3 and insert:  
139 renaming ch. 110, F.S.; renaming part I of ch. 110, F.S.;

141 Remove lines 20-110 and insert:  
142 act; amending s. 110.1099, F.S.; revising provisions relating to  
143 educational opportunities for employees; transferring,  
144 renumbering, and amending s. 110.235, F.S.; revising provisions  
145 relating to training employees; amending s. 110.112, F.S.;

146 revising provisions relating to equal employment opportunities;  
147 creating s. 110.1135, F.S.; requiring state agencies to keep  
148 accurate records of work performed and leave; amending s.  
149 110.116, F.S.; revising provisions relating to maintaining human  
150 resource information; amending s. 110.1245, F.S.; revising  
151 provisions relating to bonuses and other awards; amending s.  
152 110.125, F.S.; revising provisions relating to payment for the  
153 administrative costs of operating the personnel program;  
154 amending s. 110.126, F.S.; revising provisions relating to the  
155 department's authority to administer oaths; amending s. 110.127,  
156 F.S.; revising provisions relating to penalties; transferring,  
157 renumbering, and amending s. 110.2037, F.S.; revising provisions

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158 relating to tax-sheltered and special compensation benefits;  
159 transferring, renumbering, and amending s. 110.201, F.S.,  
160 relating to personnel rules, records, and reports; deleting  
161 provisions requiring the department, in consultation with  
162 affected agencies, to develop certain personnel rules,  
163 guidelines, records, and reports relating to employees and  
164 positions in the career service; creating s. 110.184, F.S.;  
165 revising provisions relating to the department's annual  
166 workforce report; renaming part II of ch. 110, F.S.; creating s.  
167 110.202, F.S.; providing a declaration of policy with respect to  
168 the establishment of the Civil Service; amending s. 110.205,  
169 F.S.; revising provisions relating to the list of positions that  
170 are exempted from the Civil Service; creating s. 110.208, F.S.;  
171 providing for a uniform classification system for civil service  
172 positions; creating s. 110.2085, F.S.; providing a pay plan for  
173 civil service positions; directing the department to adopt  
174 rules; amending s. 110.211, F.S.; revising provisions relating  
175 to recruitment; amending s. 110.213, F.S.; revising provisions  
176 relating to selecting a candidate for employment; amending s.  
177 110.2135, F.S.; revising provisions relating to veterans'  
178 preference; amending s. 110.215, F.S.; revising provisions  
179 relating to employing persons with disabilities; amending s.  
180 110.217, F.S.; revising provisions relating to a change in an  
181 employee's position status; amending s. 110.219, F.S.; revising  
182 provisions relating to attendance and leave policies; amending  
183 s. 110.221, F.S.; conforming provisions to changes made by the  
184 act; amending s. 110.224, F.S.; revising provisions relating to  
185 employee evaluation; amending s. 110.227, F.S.; revising



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186 provisions relating to employee grievances; renumbering and  
187 renaming part V of ch. 110, F.S.; transferring, renumbering, and  
188 amending s. 110.601, F.S.; revising provisions relating to  
189 selected exempt service policy; transferring, renumbering, and  
190 amending s. 110.602, F.S.; revising provisions relating to the  
191 creation of the Selected Exempt Service; transferring,  
192 renumbering, and amending s. 110.605, F.S.; revising provisions  
193 relating to the powers and duties of the department; creating s.  
194 110.3023, F.S.; providing for the recruitment of selected exempt  
195 service staff; renumbering and renaming part III of ch. 110,  
196 F.S.; amending s. 110.401, F.S.; revising provisions relating to  
197 policies for senior management employees; amending s. 110.402,  
198 F.S.; revising provisions relating to the establishment of the  
199 Senior Management Service; amending s. 110.403, F.S.; revising  
200 provisions relating to the duties of the department with respect  
201 to the Senior Management Service; creating s. 110.4035, F.S.;  
202 providing recruitment requirements for senior management service  
203 employees; creating part IX of ch. 112, F.S.; creating s.  
204 112.906, F.S.;

205

206 Remove lines 180-181 and insert:  
207 relating to state employment; creating s. 112.934, F.S.;  
208 providing a definition; authorizing rulemaking; creating part X,  
209 ch. 112, F.S.; transferring,

210

211 Remove lines 206-207 and insert:



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1261 (2012)

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212 penalties; creating s. 112.953, F.S.; authorizing the department  
213 to adopt rules; transferring and renumbering part IV, ch. 112,  
214 F.S.; transferring, renumbering,  
215

216

Remove line 217 and insert:

217 F.S.; providing for penalties; creating s. 112.966, F.S.;  
218 authorizing rulemaking; repealing s. 110.115,  
219

219