

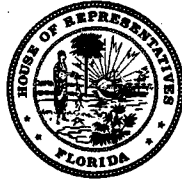


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# **Education Appropriations Subcommittee**

## **Meeting Packet**

**April 1, 2014  
8:30 a.m. – 10:30 a.m.  
Morris Hall**



# **The Florida House of Representatives**

## **APPROPRIATIONS COMMITTEE**

Education Appropriations Subcommittee

**Will Weatherford**  
Speaker

**Erik Fresen**  
Chair

### **MEETING AGENDA**



Morris Hall  
April 1, 2014

- I.** Meeting Called To Order
- II.** Opening Remarks by Chair
- III.** Consideration of the following bills:
  - CS/HB 921 - Instructional Materials for K-12 Public Education by K-12 Subcommittee and Rep. Gaetz
  - CS/HB 1053 Teacher Education by Higher Education & Workforce Subcommittee and Rep. Castor Dentel
  - CS/HB 1059 - Nursing Education Programs by Select Committee on Health Care Workforce Innovation and Rep. Pigman
  - CS/HB 1121 - Hazardous Walking Conditions by K-12 Subcommittee and Rep. Metz
  - HB 7165 - Digital Student Learning and Support Services by Education Committee and Rep. McBurney
- IV.** Closing Remarks
- V.** Meeting Adjourned



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 921 Instructional Materials for K-12 Public Education  
**SPONSOR(S):** K-12 Subcommittee; Gaetz  
**TIED BILLS:** IDEN./SIM. BILLS: SB 864

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	8 Y, 5 N, As CS	Brink	Ahearn
2) Education Appropriations Subcommittee		Seifert 	Heflin 
3) Education Committee			

### SUMMARY ANALYSIS

Currently, district school boards may implement their own instructional materials program or purchase instructional materials through the state review and adoption process. The bill eliminates the state's instructional materials review and adoption process and shifts the responsibility to each school district to select and provide adequate instructional materials for all students. Accordingly, the bill deletes corresponding sections of law that provide for:

- State review of instructional materials;
- The powers and duties of the Commissioner of Education (commissioner) and the Department of Education (DOE) related to selecting and adopting instructional materials;
- The bidding process for state instructional materials adoption; and
- Timelines and schedules relating to the adoption and requisition of instructional materials through the state adoption process.

The bill conforms language to reflect the shift in responsibility to the district school boards and clarifies that certain requirements for state instructional materials reviewers are applicable to district instructional materials reviewers.

The bill establishes district school board rulemaking requirements for implementation of the instructional materials review process, notice of instructional materials adoption and the opportunity for public review and comment, and appointment of district instructional materials reviewers by district school boards and district school superintendents. The bill allows district instructional materials review committees to combine with other district committees to form super committees, which may reduce costs associated with the review and adoption of instructional materials for smaller school districts.

The bill requires the DOE to publish recommended, minimum technology requirements that include guidelines on the number of students per device necessary to ensure that students can access all instructional materials in digital format and specification for hardware, software, networking, and security.

The bill authorizes districts to requisition adopted instructional materials either from a contracted publisher's depository or from another vendor selling the materials.

The bill prohibits instructional materials that contain pornography or are prohibited as matter harmful to minors under s. 847.02, F.S., from being used or made available within a public school.

Because the bill requires districts to hire reviewers and establish infrastructure for the review and adoption of instructional materials, there will be a fiscal impact to the school districts, but the impact is indeterminate.

The bill provides an effective date of July 1, 2014.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0921b.EDAS.DOCX

DATE: 3/28/2014

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### Instructional Materials Adoption

Instructional materials are items having intellectual content designed to serve as a major tool for instruction of a subject or course. Instructional materials may consist of hard-backed or soft-backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software.<sup>1</sup> State law provides a statewide process for the adoption of instructional materials, and the Commissioner of Education (commissioner) annually determines the academic areas in which instructional materials must be submitted for adoption.<sup>2</sup>

Publishers and manufacturers that provide instructional materials as a single bundle must make the instructional materials available as separate and unbundled items, each priced individually. A publisher may also offer sections of state-adopted instructional materials in digital or electronic versions at reduced rates to districts, schools, and teachers.<sup>3</sup>

Funding for instructional materials is provided annually in the General Appropriations Act. Legislation enacted in 2013 provides each school district the option of implementing its own program for the review, approval, adoption, and purchase of instructional materials.<sup>4</sup> School districts that participate in the state instructional materials adoption process must procure instructional materials for each content area every five years, with exceptions for content areas that require more frequent revision. The content areas scheduled for adoption rotate each year.<sup>5</sup> State reviewers evaluate instructional materials for alignment with the applicable state academic standards and recommend materials for inclusion on a state-adopted list.<sup>6</sup>

School districts that choose to purchase instructional materials through the state adoption process must expend a portion of their state funding to purchase materials on the state-adopted list. School districts that implement their own instructional materials program are not required to purchase instructional materials on the state-adopted list or follow the same review cycle used for state instructional materials adoption.<sup>7</sup>

##### School District Use of State Instructional Materials Funds

School districts that purchase instructional materials through the state adoption process must purchase instructional materials within the first three years of the effective date of the adoption cycle.<sup>8</sup> By fiscal year 2015-16, each school district that purchases instructional materials through the state adoption process must use at least 50 percent of the funds allocated for instructional materials to purchase digital or electronic instructional materials on the state-adopted list.<sup>9</sup> The remainder of the funds may be used to purchase instructional materials not on the state-adopted list, but must be used for the purchase of instructional materials or other items having intellectual content which assist in the

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<sup>1</sup> Sections 1006.28(1) and 1006.29(2), F.S.

<sup>2</sup> Section 1006.29(1), F.S.

<sup>3</sup> Section 1006.29(2), F.S.

<sup>4</sup> Section 2, ch. 2013-237, L.O.F., *codified at* s. 1006.283, F.S.; *see part I, subpart F., ch. 1006, F.S.*

<sup>5</sup> Sections 1006.29(1) and 1006.36, F.S.

<sup>6</sup> Sections 1006.29(1)(b) and 1006.31(2), F.S.

<sup>7</sup> Sections 1006.283 and 1006.40, F.S.

<sup>8</sup> Section 1006.40(2), F.S.

<sup>9</sup> Section 1006.40(3)(a), F.S.

instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may include hardbacked or softbacked textbooks, electronic content, and replacements for items which were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools as prescribed by district school board rule.<sup>10</sup> A school district may also use the remainder of funds for the repair and renovation of textbooks and library books.<sup>11</sup>

One hundred percent of the state instructional materials funds used for kindergarten and 75 percent of the state instructional materials funds used for first grade may be spent to purchase materials that are not on the state-adopted list.<sup>12</sup>

A school district that implements its own instructional materials program must expend up to 50 percent of its annual instructional materials allocation on digital or electronic materials by FY 2015-16; however, the district is not required to purchase instructional materials on the state-adopted list. The remaining funds must be spent on instructional materials; however, unlike districts that purchase instructional materials through the state adoption process, the district has full discretion to determine the types of materials purchased.<sup>13</sup>

For all school districts, funds allocated to purchase instructional materials may only be used for other classroom expenditures or the purchase of hardware for student instruction when the district school board finds and declares in a resolution that the funds received for instructional materials are urgently needed to maintain school board specified academic classroom instruction.<sup>14</sup>

#### State Instructional Materials Adoption Process

The Commissioner of Education adopts instructional materials according to a 5-year rotating schedule. However, the commissioner may approve terms of adoption of less than five years for materials in content areas which require more frequent revision.<sup>15</sup> The Department of Education (DOE) annually publishes an official schedule of subject areas calling for adoption for each of the succeeding two years, and a tentative schedule for years three through five. Under extenuating circumstances, the commissioner may direct the DOE to add one or more subject areas to the official schedule.<sup>16</sup>

Approximately one year before the adoption of instructional materials in a certain subject area, the DOE publishes specifications for the subjects to be adopted. These specifications detail the courses for which materials are sought and the standards the materials must meet.<sup>17</sup>

Beginning on or before May 15 of the adoption year, the DOE advertises<sup>18</sup> a request for sealed bids or proposals from publishers of instructional materials. The advertisement must require each bidder to furnish electronic sample copies of all instructional materials submitted.<sup>19</sup>

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<sup>10</sup> Section 1006.40(4), F.S.

<sup>11</sup> Section 1006.40(3)(b), F.S.

<sup>12</sup> Section 1006.40(3)(c), F.S.

<sup>13</sup> Section 1006.40(3)(a), F.S.

<sup>14</sup> Section 1011.62(6)(b)5., F.S. The expenditure of funds for other classroom expenditures or for the purchase of hardware for student instruction may only occur if the school district has purchased all of the instructional materials necessary to provide updated materials aligned to the state academic standards for that fiscal year. Purchases may not be made before March 1. The funds available after March 1 may be used to purchase hardware for student instruction. *Id.*

<sup>15</sup> Section 1006.36(1), F.S.

<sup>16</sup> Section 1006.36(2), F.S.

<sup>17</sup> Florida Department of Education, Bureau of Curriculum and Instruction, *Policies and Procedures for the Florida Instructional Materials Adoption*, at 1 (Dec. 2011), *incorporated by reference into rule 6A-7.0710, F.A.C.*

<sup>18</sup> Beginning in FY 2010-11, all advertisements must state that each bidder must furnish electronic sample copies of all instructional materials submitted. Section 1006.33(1)(b), F.S.

<sup>19</sup> Section 1006.33(1)(a) and (b), F.S. A school district may not request samples in addition to the electronic sample copies. Section 1006.33(1)(b), F.S.

Once all bids have been considered, the commissioner selects and adopts, from the list reported by the state instructional materials reviewers as “suitable, usable, and desirable” instructional materials for each grade and subject in the curriculum of public elementary, middle, and high schools in which adoptions are made and in the subject areas designated in the advertisement.<sup>20</sup>

### State Instructional Materials Reviewers

The state instructional materials reviewers are state or national experts in the content areas submitted for adoption. The reviewers are appointed by the commissioner by April 15 of each school year to review the instructional materials and evaluate the content for alignment with the applicable state academic standards.<sup>21</sup>

The state instructional material reviewers receive training in competencies related to the evaluation and selection of instructional materials.<sup>22</sup> After receiving training, the reviewers must review the materials for the level of instructional support and the accuracy and appropriateness of progression of introduced content. Instructional materials must be made electronically available to the reviewers.<sup>23</sup>

The initial review of the materials is made by only two of the three reviewers. If the two reviewers reach different results, the third reviewer must break the tie. The reviewers must independently make recommendations to the commissioner regarding materials that should be placed on the state-adopted list through an electronic feedback review system.<sup>24</sup>

Each state instructional materials reviewer must sign an affidavit to the effect that he or she:

- Will faithfully discharge the duties imposed as a state instructional materials reviewer.
- Has no interest in any publishing or manufacturing organization that produces or sells instructional materials.
- Is in no way connected with the distribution of the instructional materials.
- Does not have any direct or indirect pecuniary interest in the business or profits of any person engaged in manufacturing, publishing, or selling instructional materials designed for use in public schools.
- Will not accept any emolument or promise of future reward from anyone intending to bias his or her judgment in the selection of materials to be adopted.
- Understands that it is unlawful to discuss matters relating to instructional materials submitted for adoption with any publisher or manufacturer of instructional materials, except during the period when the publisher or manufacturer is providing a presentation for the reviewer.<sup>25</sup>

### Duties of School Districts

Each district school superintendent, at the request of the commissioner, must nominate one classroom teacher or district-level content supervisor to review two or three of the submissions recommended by the state instructional materials reviewers. School districts must ensure that these district reviewers are provided with the support and time necessary to accomplish a thorough review of the instructional materials. District reviewers must independently rate the recommended submissions on the

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<sup>20</sup> Section 1006.34(2)(a), F.S.

<sup>21</sup> Section 1006.29(1)(b), F.S.

<sup>22</sup> Section 1006.29(4), F.S.

<sup>23</sup> Section 1006.29(1)(b), F.S.

<sup>24</sup> *Id.*

<sup>25</sup> Section 1006.30, F.S.

instructional usability of the resources.<sup>26</sup> Persons selected as school district reviewers must complete training, developed by the DOE, related to the evaluation and selection of instructional materials.<sup>27</sup>

School districts are required to purchase current instructional materials to provide each student adequate materials for core courses in mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12.<sup>28</sup> School districts review state-adopted instructional materials and select materials to be used in their local schools.<sup>29</sup> State-adopted instructional materials are available for purchase beginning April 1 of the year following adoption and must be requisitioned from the depository of the publisher.<sup>30</sup>

Within the first three years of the adoption cycle, a school district superintendent must purchase instructional materials to provide each student with a textbook or other materials as a major tool of instruction for these core courses.<sup>31</sup> The superintendent must keep adequate records and accounts for all financial transactions related to instructional materials.<sup>32</sup> The superintendent is also required to notify the DOE by April 1 of which instructional materials will be used by the district. The notification must include a plan to be used to determine if adequate instructional materials have been purchased.<sup>33</sup>

By July 1 of each year and before state instructional materials funds are released, a school district's superintendent must certify to the commissioner that the district school board has approved a comprehensive staff development plan that supports implementation of instructional materials programs. The school district must verify that training was provided and that the materials are being implemented as designed.<sup>34</sup>

Instructional materials that are unserviceable, surplus, or no longer on state contract may be given by a school district to other education programs; teachers; students, including home education students; or any charitable organization, governmental agency, private school, or state. To dispose of instructional materials, a school district may also sell the materials to used-book dealers; recycling plants; pulp mills; or other persons, firms, or corporations. Any money received must be deposited in the school district's fund for instructional materials.<sup>35</sup>

### Duties of School Principals

A school principal is responsible for:

- Assuring that instructional materials are used to provide instruction to students enrolled at the grade level for which the materials are designed;
- Communicating to parents how instructional materials are used to implement curricular objectives;
- Selling instructional materials to parents upon request; and

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<sup>26</sup> Section 1006.29(1)(c), F.S.

<sup>27</sup> Section 1006.29(5), F.S.

<sup>28</sup> Section 1006.40(2), F.S. "Adequate instructional materials" means a "sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature." Section 1006.28(1), F.S.

<sup>29</sup> See s. 1006.28(1)(b), F.S.

<sup>30</sup> Sections 1006.36(1) and 1006.37(1), F.S.; see also s. 1006.28(2)(b), F.S.; Florida Department of Education, Bureau of Curriculum and Instruction, *Florida Instructional Materials Adoption Schedule for Adoption Years 2011-2012 through 2016-2017* (May 22, 2012), available at [http://www.fldoe.org/BII/instruct\\_mat/pdf/cycle.pdf](http://www.fldoe.org/BII/instruct_mat/pdf/cycle.pdf);

<sup>31</sup> Section 1006.37(1), F.S.

<sup>32</sup> Section 1006.28(2)(a), F.S.

<sup>33</sup> Section 1006.28(2)(a), F.S.

<sup>34</sup> Section 1011.67(2), F.S.

<sup>35</sup> Section 1006.41(1) and (3), F.S.



- Accounting for instructional materials and collecting payment from a student or parent for any lost, destroyed, or damaged instructional materials<sup>36</sup> and transmitting all money collected to the school district superintendent for deposit into the district school board fund.<sup>37</sup>

### Duties of Publishers and Manufacturers

Publishers and manufacturers of instructional materials must, among other things:

- Submit electronic sample copies of instructional materials to the DOE;
- Submit evidence that the materials provided address the state academic and the materials can be accessed through the district's local instructional improvement system and a variety of electronic, digital, and mobile devices;
- Furnish instructional materials at a price not to exceed the lowest price offered in other states;
- Automatically reduce the price of instructional materials or provide materials free of charge if provided to other states at a reduced rate or free of charge;
- Disclose the authors of the instructional materials;
- Keep the materials revised, free from all errors, and up-to-date; and
- Maintain a depository in Florida for the in-state distribution of instructional materials to school districts from the depository or contract with a depository in the state.<sup>38</sup>

Additionally, publishers and manufacturers of instructional materials are prohibited from offering any emolument, money, or other valuable thing or any inducement, to any district school board official or state instructional materials reviewer to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional materials. Violating this prohibition is a second degree misdemeanor and will result in a ban from practicing business in the state for one calendar year.<sup>39</sup>

### School District Instructional Materials Adoption Programs

School districts that choose to implement their own instructional materials program are not required to purchase instructional materials from the state-adopted list,<sup>40</sup> requisition instructional materials from the publisher's depository,<sup>41</sup> or follow the same review cycle used for state instructional materials adoption.<sup>42</sup> Multiple school districts may form a consortium for the purpose of implementing an instructional materials program.<sup>43</sup>

Each school board implementing an instructional materials program must adopt rules:

- Specifying the instructional materials review process, review cycle, and duties and qualifications of instructional materials reviewers;
- Requiring school district instructional materials reviewers to comply with statutorily prescribed conflict of interest affidavits and state instructional materials reviewer duties;
- Requiring reviewer and publisher compliance with law prohibiting the acceptance or solicitation of money or inducements to influence approval or purchase of instructional materials;
- Specifying a process for certifying the accuracy of instructional materials;

<sup>36</sup> Principals are authorized to suspend a student from participating in extracurricular activities if the debt is not paid or require the student to participate in community service activities to satisfy the debt. Section 1006.28(3)(b), F.S.

<sup>37</sup> Section 1006.28(3), F.S.

<sup>38</sup> Section 1006.38, F.S.

<sup>39</sup> Section 1006.32(1) and (4), F.S. A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine not exceeding \$500. Sections 775.082(4)(b) and 775.083(1)(e), F.S.

<sup>40</sup> Section 1006.40(3)(a), F.S.

<sup>41</sup> Section 1006.37(3), F.S.

<sup>42</sup> Section 1006.283(2)(b), F.S.

<sup>43</sup> Section 1006.283(1), F.S.

- Requiring publisher compliance with law regarding publisher duties, responsibilities, and requirements; and
- Specifying the instructional materials purchase process, including advertising, bidding, and purchasing requirements.<sup>44</sup>

School district instructional materials reviewers must review instructional materials using standards similar to those currently specified for state instructional materials reviewers and for alignment to the state academic standards. Beginning in the 2013-14 school year, the district superintendent must annually certify that all instructional materials for core courses used by the school district are aligned with applicable state standards and provide a list of all core materials that will be used or purchased by the district.<sup>45</sup>

School districts implementing their own instructional materials program may collect fees from publishers who submit instructional materials for review. Such fees may not exceed the actual cost to review a publisher submission up to a maximum of \$3,500. Fees assessed and collected must be posted on the district website, reported to the DOE, and maintained in a separate line item for auditing purposes.<sup>46</sup>

School districts may only use revenues generated by fees to support the instructional materials review process, including the payment of stipends for reviewers, reimbursement of travel expenses and per diem incurred by reviewers, and costs relating to employing substitute teachers to fill in for instructional personnel serving as reviewers.<sup>47</sup>

### Transition to Digital and Electronic Instructional Materials

Beginning in the 2015-16 school year, all state-adopted instructional materials for students in kindergarten through grade 12 must be provided in an electronic or digital format.<sup>48</sup> Also, by 2015-2016, each school district must use at least 50 percent of its annually allocated instructional materials funding to purchase digital or electronic instructional materials.<sup>49</sup>

Instructional materials in electronic format and digital format do not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, equipment, or supplies.<sup>50</sup>

### Local Instructional Improvement Systems

A local instructional improvement system is a system that uses electronic and digital tools that provide teachers, administrators, students, and parents with data and resources to systematically manage continuous instructional improvement. The system must support relevant activities such as instructional planning, information gathering and analysis, rapid-time reporting, decision making on appropriate instructional sequence, and evaluating the effectiveness of instruction. Additionally, the system must

<sup>44</sup> Section 1006.283(2), F.S.

<sup>45</sup> Section 1006.283(2) and (4), F.S.

<sup>46</sup> Section 1006.283(3)(a), F.S.

<sup>47</sup> Section 1006.283(3)(b), F.S.

<sup>48</sup> Section 1006.29(3), F.S. "Electronic format" means text-based or image-based content in a form that is produced on, published by, and readable on computers or other digital devices and is an electronic version of a printed book, whether or not any printed equivalent exists. "Digital format" means text-based or image-based content in a form that provides the student with various interactive functions; that can be searched, tagged, distributed, and used for individualized and group learning; that includes multimedia content such as video clips, animations, and virtual reality; and that has the ability to be accessed at any time and anywhere. Section 1006.29(3)(a) and (b), F.S.

<sup>49</sup> Section 1006.40(3)(a), F.S. School districts that purchase instructional materials through the state adoption process must purchase the digital instructional materials off the state-adopted list. School districts that implement their own instructional materials program are not required to purchase the digital instructional materials off the state-adopted list. *Id.*

<sup>50</sup> Section 1006.29(3), F.S. (flush left at the end of subsection)

integrate instructional information with student-level data to provide predictions of future student achievement.<sup>51</sup>

Each school district must provide teachers, administrators, students, and parents access to a local instructional improvement system. The system must provide access to electronic and digital instructional materials, and teaching and learning tools and resources, including the ability for teachers and administrators to manage, assess, and track student learning.<sup>52</sup> By June 30, 2014, the local instructional improvement system should allow for a single, authenticated sign-on and include the following functionality:

- Vertically searches for, gathers, and organizes specific standards-based instructional materials.
- Enables teachers to prepare lessons, individualize student instruction, and use best practices in providing instruction.
- Provides communication, including access to up-to-date student performance data, in order to help teachers and parents better serve the needs of students.
- Provides access for administrators to ensure quality.
- Enables district staff to plan, create, and manage professional development and to connect professional development with staff information and student performance data. Provides access to multiple content providers and provides the ability to seamlessly connect the local instructional improvement system to electronic and digital content.<sup>53</sup>

### Instructional Materials Content

Any instructional materials recommended by reviewers for use in schools must be, to the satisfaction of each reviewer, accurate, objective, current, and suited to the needs and comprehension of students at their respective grade levels.<sup>54</sup>

### **Effect of Proposed Changes**

School districts may establish their own instructional materials program or participate in the state instructional materials adoption process. The bill eliminates the state's instructional materials review and adoption process and shifts responsibility to each school district to select and provide adequate instructional materials for all students. Accordingly, the bill deletes corresponding sections of law that provide for:

- State review of instructional materials;<sup>55</sup>
- The powers and duties of the commissioner and the DOE relating to selecting and adopting instructional materials;<sup>56</sup>
- The bidding process for state instructional materials adoption;<sup>57</sup> and
- Timelines and schedules relating to the adoption of instructional materials through the state adoption process.<sup>58</sup>

The bill also conforms language to reflect the transfer of responsibility for the review and adoption of instructional materials to the district school boards.

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<sup>51</sup> Section 1006.281(1), F.S.

<sup>52</sup> Section 1006.281(2), F.S.

<sup>53</sup> Section 1006.281(3), F.S.

<sup>54</sup> Section 1006.31(2)(e), F.S.

<sup>55</sup> Section 1006.29, F.S.

<sup>56</sup> Section 1006.34, F.S.

<sup>57</sup> Section 1006.33, F.S.

<sup>58</sup> Section 1006.29, F.S.

Because the bill eliminates the state instructional materials adoption process, the bill requires each district school board or consortium of school boards to implement an instructional materials program. The bill requires each school district to make available upon request for public inspection sample copies of all instructional materials that have been adopted by the district school board.

The bill requires each district school board to adopt rules that establish the process by which the school board adopts instructional materials and criteria for the review and recommendation of instructional materials, including a thorough review of curriculum content. In addition, each district must establish a local instructional materials review committee to review and recommend instructional materials to the district school board for final adoption. The bill allows districts to combine local instructional materials review committees to form super committees, which may reduce costs associated with the review and adoption of instructional materials for smaller school districts.

Each local instructional materials review committee must consist of members who are appointed as follows:

- Each district school board member must appoint one person who has subject area expertise in science, mathematics, language arts, social studies, or career or technical studies and who is not employed by the district;
- The superintendent must appoint a number of classroom teachers, equal to the number of district school board members, who are representative of the subject areas and grade levels of the materials being considered for adoption; and
- The district school board and the superintendent must each appoint at least one parent of a student who is currently enrolled in a public school in the district.

The bill requires that each district instructional materials reviewer file with the district school board the affidavit currently filed by each state instructional materials reviewer with the DOE prior to transacting business. The bill does not retain the requirement that district instructional materials reviewers complete DOE-developed training related to the evaluation and selection of instructional materials.

The bill specifies that the review cycles for instructional materials must be identified by subject area in school board rule. The bill also clarifies that the instructional materials rules must require the school board to determine and certify the accuracy of the adopted instructional materials. In addition, the bill requires that adopted instructional materials, in addition to being accurate; objective; current; and suitable based on a student's needs, comprehension, and grade level, must also be balanced, noninflammatory, and fact based.

The district school board rule establishing the process by which the school board adopts instructional materials must provide for the following:

- An open, noticed district school board hearing to review recommended instructional material and receive public comment;
- An open, noticed public school board meeting, held on a different date than the public hearing, to approve an annual instructional materials plan, including the adoption of instructional materials;
- Posting of the recommended instructional materials on the district school board's website at least 20 days in advance of public hearings and public meetings. The district must establish an electronic process by which the public can submit, and the school board members and the superintendent can access, comments on the recommended instructional materials; and
- The requirement that the notices for public hearing and public meetings specifically state which materials are being reviewed and the manner in which the materials can be accessed for public review.

Reasonable safeguards must be established against the unauthorized use, reproduction, and distribution of instructional materials posted online for public review and comment. Only the student editions of the instructional materials may be posted.

The bill also requires each district school to adopt in rule the process by which the school district will notify parents of their ability to access their children's textbooks and instructional materials through the district's local instructional improvement system and by which the school district will encourage parents to access the system.

The bill requires that, beginning in the 2015-2016 school year, all adopted instructional materials for students in kindergarten through grade 12 be available in a digital format. The bill deletes reference to the term "electronic format,"<sup>59</sup> presumably because the term "digital format,"<sup>60</sup> includes instructional material in an electronic format. In addition, the bill provides that school districts, beginning in the 2014-2015 school year, may use all of their instructional materials allocation on digital instructional materials.

The bill requires the DOE to publish recommended, minimum technology requirements that include guidelines on the number of students per device necessary to ensure that students can access all instructional materials in digital format and specification for hardware, software, networking, and security.

Any instructional materials that contain pornography or are prohibited as matter harmful to minors under s. 847.02, F.S., may not be used or made available within a public school. The bill provides that the following standards must be used to determine the propriety of instructional materials, library media, and other reading materials by district instructional materials reviewers:

- The age of the students who normally could be expected to have access to the material;
- The educational purpose to be served by the material, with priority given to the selection of materials that encompass the state academic standards provided by law and that include the instructional objectives contained in the course description approved by state board rule;
- The degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal classroom instructional program; and
- The consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students in Florida.

With respect to the requisition of instructional materials, the bill provides that a district school superintendent, in addition to requisitioning materials from the depository of a publisher with whom a contract has been made, may requisition materials from any other vendor selling the district-adopted instructional materials. The bill also permits a district school board or consortium to requisition adopted instructional materials from a vendor or from the publisher's depository.

The bill provides that digital instructional materials purchased by districts in the 2015-2016 school year and thereafter must be included on the district-adopted list, align to state academic standards, and be consistent with district goals and objectives and the course descriptions adopted in state board rule.

## B. SECTION DIRECTORY:

Section 1. Amends s. 1006.28, F.S., providing that the district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students; redefining the term "adequate instructional materials."

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<sup>59</sup> See *supra* text accompanying note 58.

<sup>60</sup> See *supra* text accompanying note 59. The bill specifies that the definition of "digital format" does not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does the term include equipment or supplies.

Section 2. Amends s. 1006.283, F.S., requiring a district school board or consortium of school districts to implement an instructional materials program; including criteria for the review and recommendation of instructional materials, the process by which instructional materials are adopted, and the process by which a school district will notify parents of their ability to access their children's instructional materials in the list of the subjects that must be addressed by rule of the district school board; requiring adopted instructional materials to be provided in digital format; defining the term "digital format"; requiring the Department of Education to publish minimum, recommended technology requirements; requiring the district to make available, upon request, sample copies of its adopted instructional materials.

Section 3. Repeals s. 1006.29, F.S., relating to state instructional materials reviewers.

Section 4. Amends s. 1006.30, F.S., requiring each district instructional materials reviewer to file an affidavit with the district school board, rather than the DOE.

Section 5. Amends s. 1006.31, F.S., deleting references to the DOE regarding the duties of instructional materials reviewers; revising the evaluation procedure for instructional materials.

Section 6. Amends s. 1006.32, F.S., conforming provisions to changes made by the act.

Section 7. Repeals s. 1006.33, F.S., relating to bids, proposals, and advertisement regarding the adoption of instructional materials.

Section 8. Repeals s. 1006.34, F.S., relating to powers and duties of the commissioner and the DOE in selecting and adopting instructional materials.

Section 9. Amends s. 1006.35, F.S., requiring the district school board, rather than the commissioner, to conduct an independent investigation to determine the accuracy of district-adopted instructional materials; authorizing the district school board, rather than the commissioner, to remove materials from the list of district-adopted materials under certain circumstances.

Section 10. Repeals s. 1006.36, F.S., relating to the term of adoption for instructional materials.

Section 11. Amends s. 1006.37, F.S., authorizing, rather than requiring, the district school superintendent to requisition adopted instructional materials from the depository of a publisher with whom a contract has been made or any other vendor selling the adopted instructional materials; deleting provisions regarding the superintendent's requisition of instructional materials; conforming provisions to changes made by the act; authorizing a district school board or a consortium of school districts to requisition instructional materials from the publisher's depository or any other vendor selling adopted instructional materials and to request assistance from the publisher's depository to recommend instructional materials for review, approval, adoption, and purchase; requiring the recommended materials to be consistent with certain goals, objectives, and requirements; requiring that personnel from the publisher's depository sign an affidavit in order to be considered an instructional materials reviewer.

Section 12. Amends s. 1006.38, F.S., conforming provisions to changes made by the bill; revising the duties, responsibilities, and requirements of instructional materials publishers and manufacturers.

Section 13. Amends s. 1006.40, F.S., deleting provisions regarding the adoption of instructional materials for certain core courses in the subject area of mathematics; requiring each district school board to use a certain percentage of the annual allocation for the purchase of digital, rather than electronic, instructional materials that meet certain goals, objectives, and requirements; deleting provisions regarding the use of the district's annual allocation for the purchase of instructional materials.

Section 14. Amends s. 1006.41, F.S., conforming provisions to changes made by the act.

Section 15. Amends s. 1006.282, F.S., conforming cross-references.

Section 16. Amends s. 1010.82, F.S., conforming cross-references.

Section 17. Provides an effective date of July 1, 2014.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The fiscal impact of the bill on school districts is indeterminate. Districts will likely incur costs related to the hiring of reviewers and establishing the infrastructure necessary to conduct reviews. See Fiscal Comments.

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

None.

### D. FISCAL COMMENTS:

Although school districts are likely to incur costs associated with the review of materials, s. 1006.283, F.S., authorizes the districts to collect fees from publishers who submit instructional materials for review. Such fees may not exceed the actual cost to review a publisher submission up to a maximum of \$3,500. Fees assessed and collected must be posted on the district website, reported to DOE, used to support the review process, and maintained in a separate line item for auditing purposes.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

The bill requires district school boards to adopt rules relating to the adoption of instructional materials.

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

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On March 12, 2014, the K-12 Subcommittee adopted four amendments and reported the bill favorably as a committee substitute. The amendments:

- Require that adopted instructional materials, in addition to being accurate; objective; current; and suitable based on a student's needs, comprehension, and grade level, must also be balanced, noninflammatory, and fact based;
- Provide that school districts, beginning in the 2014-2015 school year, may use all of their instructional materials allocation on digital instructional materials;
- Require that reasonable safeguards be put into place against the unauthorized use, reproduction, and distribution of instructional materials posted online for public review and comment and clarify that the student editions of the instructional materials must be posted; and
- Remove the bill's provision allowing a district school board or consortium of districts to request assistance from the publisher's depository to recommend instructional materials for review, approval, adoption, and purchase.



1                                   A bill to be entitled  
 2           An act relating to instructional materials for K-12  
 3           public education; amending s. 1006.28, F.S.; providing  
 4           that the district school board has the constitutional  
 5           duty and responsibility to select and provide adequate  
 6           instructional materials for all students; redefining  
 7           the term "adequate instructional materials"; amending  
 8           s. 1006.283, F.S.; requiring a district school board  
 9           or consortium of school districts to implement an  
 10          instructional materials program; including criteria  
 11          for the review and recommendation of instructional  
 12          materials, the process by which instructional  
 13          materials are adopted, and the process by which a  
 14          school district will notify parents of their ability  
 15          to access their children's instructional materials in  
 16          the list of the subjects that must be addressed by  
 17          rule of the district school board; requiring adopted  
 18          instructional materials to be provided in digital  
 19          format; defining the term "digital format"; requiring  
 20          the Department of Education to publish minimum,  
 21          recommended technology requirements; requiring the  
 22          district to make available, upon request, sample  
 23          copies of its adopted instructional materials;  
 24          repealing s. 1006.29, F.S., relating to state  
 25          instructional materials reviewers; amending s.  
 26          1006.30, F.S.; requiring each district instructional

27 materials reviewer to file an affidavit with the  
 28 district school board, rather than the department;  
 29 amending s. 1006.31, F.S.; deleting references to the  
 30 Department of Education regarding the duties of  
 31 instructional materials reviewers; revising the  
 32 evaluation procedure for instructional materials;  
 33 amending s. 1006.32, F.S.; conforming provisions to  
 34 changes made by the act; repealing s. 1006.33, F.S.,  
 35 relating to bids, proposals, and advertisement  
 36 regarding the adoption of instructional materials;  
 37 repealing s. 1006.34, F.S., relating to powers and  
 38 duties of the Commissioner of Education and the  
 39 department in selecting and adopting instructional  
 40 materials; amending s. 1006.35, F.S.; requiring the  
 41 district school board, rather than the commissioner,  
 42 to conduct an independent investigation to determine  
 43 the accuracy of district-adopted instructional  
 44 materials; authorizing the district school board,  
 45 rather than the commissioner, to remove materials from  
 46 the list of district-adopted materials under certain  
 47 circumstances; repealing s. 1006.36, F.S., relating to  
 48 the term of adoption for instructional materials;  
 49 amending s. 1006.37, F.S.; authorizing, rather than  
 50 requiring, the district school superintendent to  
 51 requisition adopted instructional materials from the  
 52 depository of a publisher with whom a contract has

53 |        been made or any other vendor selling the adopted  
54 |        instructional materials; deleting provisions regarding  
55 |        the superintendent's requisition of instructional  
56 |        materials; conforming provisions to changes made by  
57 |        the act; authorizing a district school board or a  
58 |        consortium of school districts to requisition  
59 |        instructional materials from the publisher's  
60 |        depository or any other vendor selling adopted  
61 |        instructional materials; amending s. 1006.38, F.S.;  
62 |        conforming provisions to changes made by the act;  
63 |        revising the duties, responsibilities, and  
64 |        requirements of instructional materials publishers and  
65 |        manufacturers; amending s. 1006.40, F.S.; deleting  
66 |        provisions regarding the adoption of instructional  
67 |        materials for certain core courses in the subject area  
68 |        of mathematics; allowing each district school board to  
69 |        use all of the annual allocation for the purchase of  
70 |        digital, rather than electronic, instructional  
71 |        materials that meet certain goals, objectives, and  
72 |        requirements; deleting provisions regarding the use of  
73 |        the district's annual allocation for the purchase of  
74 |        instructional materials; amending s. 1006.41, F.S.;  
75 |        conforming provisions to changes made by the act;  
76 |        amending ss. 1006.282 and 1010.82, F.S.; conforming  
77 |        cross-references; providing an effective date.

78 |

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

80 |

81 |       Section 1. Subsection (1) of section 1006.28, Florida  
82 | Statutes, is amended to read:

83 |       1006.28 Duties of district school board, district school  
84 | superintendent; and school principal regarding K-12  
85 | instructional materials.-

86 |       (1) DISTRICT SCHOOL BOARD.-The district school board has  
87 | the constitutional duty and responsibility to select and provide  
88 | adequate instructional materials for all students in accordance  
89 | with the requirements of this part. The term "adequate  
90 | instructional materials" means a sufficient number of student or  
91 | site licenses or sets of materials that are available in bound,  
92 | unbound, kit, or package form and may consist of hardbacked or  
93 | softbacked textbooks, electronic content, consumables, learning  
94 | laboratories, manipulatives, and electronic media, and computer  
95 | courseware, ~~or~~ software, or applications that serve as the basis  
96 | for instruction for each student in the core courses of  
97 | mathematics, language arts, social studies, science, reading,  
98 | and literature. The district school board has the following  
99 | specific duties and responsibilities:

100 |       (a) Courses of study; adoption.-Adopt courses of study for  
101 | use in the schools of the district.

102 |       (b) Instructional materials.-Provide for proper  
103 | requisitioning, distribution, accounting, storage, care, and use  
104 | of all instructional materials and furnish such other

105 | instructional materials as may be needed. The district school  
 106 | board shall ensure that instructional materials used in the  
 107 | district are consistent with the district goals and objectives  
 108 | and the course descriptions established in rule of the State  
 109 | Board of Education, as well as with the ~~state and district~~  
 110 | performance standards provided for in s. 1001.03(1).

111 |       (c) Other instructional materials.—Provide such other  
 112 | teaching accessories and aids as are needed for the school  
 113 | district's educational program.

114 |       (d) School library media services; establishment and  
 115 | maintenance.—Establish and maintain a program of school library  
 116 | media services for all public schools in the district, including  
 117 | school library media centers, or school library media centers  
 118 | open to the public, and, in addition such traveling or  
 119 | circulating libraries as may be needed for the proper operation  
 120 | of the district school system.

121 |       Section 2. Subsections (1) and (2) of section 1006.283,  
 122 | Florida Statutes, are amended, and subsections (7), (8), and (9)  
 123 | are added to that section, to read:

124 |       1006.283 District school board instructional materials  
 125 | review process.—

126 |       (1) A district school board or consortium of school  
 127 | districts shall ~~may~~ implement an instructional materials program  
 128 | that includes the review, approval, adoption, and purchase of  
 129 | instructional materials. ~~Beginning in the 2013-2014 school year,~~  
 130 | The district school superintendent shall certify to the

131 department by March 31 of each year that all instructional  
 132 materials for core courses used by the district are aligned with  
 133 applicable state standards. ~~Included in the certification shall~~  
 134 ~~be~~ A list of the core instructional materials that will be used  
 135 or purchased for use by the school district shall be included in  
 136 the certification.

137 (2) The district school board shall adopt rules  
 138 implementing the district's instructional materials program  
 139 which must include, but need not be limited to:

140 (a) Criteria for the review and recommendation of  
 141 instructional materials, including a thorough review of  
 142 curriculum content. The district shall establish a local  
 143 instructional materials review committee to review and recommend  
 144 instructional materials to the district school board for final  
 145 adoption. A district may enter into an agreement with other  
 146 districts to combine their local instructional materials review  
 147 committees into one super committee. A local instructional  
 148 materials review committee shall consist of the following  
 149 members, appointed as follows:

150 1. Each district school board member shall appoint one  
 151 person who has subject area expertise in science, mathematics,  
 152 language arts, social studies, or career or technical studies  
 153 and who is not employed by the district.

154 2. The superintendent shall appoint a number of classroom  
 155 teachers equal to the number of district school board members.  
 156 The selection of classroom teachers shall be representative of

157 the subject areas and grade levels of the instructional  
 158 materials being considered for adoption.

159 3. The district school board and the superintendent shall  
 160 each appoint at least one parent of a student who is currently  
 161 enrolled in a public school in the district ~~its review and~~  
 162 ~~purchase process.~~

163 (b) Identification, by subject area, of a review cycle for  
 164 instructional materials.

165 (c) The duties and qualifications of the instructional  
 166 materials reviewers.

167 (d) The requirements for an affidavit made by each a  
 168 district instructional materials reviewer which substantially  
 169 meets ~~includes~~ the requirements of s. 1006.30.

170 (e) Compliance with s. 1006.32, relating to prohibited  
 171 acts.

172 (f) A process for the district school board to determine  
 173 and certify ~~that certifies~~ the accuracy of district-adopted  
 174 instructional materials.

175 (g) The incorporation of applicable requirements of s.  
 176 1006.31, which relates to the duties of instructional materials  
 177 reviewers.

178 (h) The incorporation of applicable requirements of s.  
 179 1006.38, relating to the duties, responsibilities, and  
 180 requirements of publishers of instructional materials.

181 (i) The process by which instructional materials are  
 182 adopted by the district school board.

183        1. The district school board shall establish a process to  
 184        allow student editions of instructional materials considered for  
 185        adoption to be accessed and viewed online by the public at least  
 186        20 calendar days before the public hearing and public meeting as  
 187        specified in this paragraph. This process must include  
 188        reasonable safeguards against the unauthorized use,  
 189        reproduction, and distribution of instructional materials  
 190        considered for adoption.

191        2. The district school board shall conduct an open,  
 192        noticed district school board hearing to receive public comment  
 193        on and review the recommended instructional materials.

194        3. The district school board shall hold an open, noticed  
 195        public meeting to approve an annual instructional materials  
 196        plan, including the adoption of instructional materials. This  
 197        public meeting must be held on a different date than the public  
 198        hearing.

199        4. The notices for the public hearing and the public  
 200        meeting must specifically state which instructional materials  
 201        are being reviewed and the manner in which the instructional  
 202        materials can be accessed for public review.

203        ~~(j)(i)~~ The process by which instructional materials will  
 204        be purchased, including advertising, bidding, and purchasing  
 205        requirements.

206        (k) The process by which the school district will notify  
 207        parents of their ability to access their children's textbooks  
 208        and instructional materials through the district's local



209 instructional improvement system and by which the school  
 210 district will encourage parents to access the system. This  
 211 notification must be displayed prominently on the district  
 212 school board's website and provided annually in a written format  
 213 to all parents of enrolled students.

214 (7) Beginning in the 2015-2016 academic year, all adopted  
 215 instructional materials for students in kindergarten through  
 216 grade 12 must be available in a digital format. As used in this  
 217 subsection, the term "digital format" means text-based or image-  
 218 based content in a form that provides the student with various  
 219 interactive functions; that can be searched, tagged,  
 220 distributed, and used for individualized and group learning;  
 221 that includes multimedia content such as video clips, animation,  
 222 and virtual reality; and that can be accessed at anytime and  
 223 anywhere. The term does not include electronic or computer  
 224 hardware even if such hardware is bundled with software or other  
 225 electronic media, nor does the term include equipment or  
 226 supplies.

227 (8) The department shall publish recommended, minimum  
 228 technology requirements that include guidelines on the number of  
 229 students per device necessary to ensure that students can access  
 230 all instructional materials in digital format and specifications  
 231 for hardware, software, networking, and security.

232 (9) The school district shall make available upon request  
 233 for public inspection sample copies of all instructional  
 234 materials that have been adopted by the district school board.

235 Section 3. Section 1006.29, Florida Statutes, is repealed.

236 Section 4. Section 1006.30, Florida Statutes, is amended  
237 to read:

238 1006.30 Affidavit of district ~~state~~ instructional  
239 materials reviewers.—Before transacting any business, each  
240 district ~~state~~ instructional materials reviewer shall make an  
241 affidavit, to be filed with the district school board  
242 ~~department~~, that:

243 (1) The reviewer will faithfully discharge the duties  
244 imposed upon him or her.

245 (2) The reviewer does not have an ~~has no~~ interest in any  
246 publishing or manufacturing organization that produces or sells  
247 instructional materials.

248 (3) The reviewer is not ~~in no way~~ connected with the  
249 distribution of the instructional materials.

250 (4) The reviewer does not have any direct or indirect  
251 pecuniary interest in the business or profits of any person  
252 engaged in manufacturing, publishing, or selling instructional  
253 materials designed for use in the public schools.

254 (5) The reviewer will not accept any emolument or promise  
255 of future reward of any kind from any publisher or manufacturer  
256 of instructional materials or his or her agent or anyone  
257 interested in, or intending to bias his or her judgment in any  
258 way in, the selection of any materials to be adopted.

259 (6) The reviewer understands that it is unlawful to  
260 discuss matters relating to instructional materials submitted

261 for adoption with any agent of a publisher or manufacturer of  
 262 instructional materials, either directly or indirectly, except  
 263 during the period when the publisher or manufacturer is  
 264 providing a presentation for the reviewer during his or her  
 265 review of the instructional materials submitted for adoption.

266 Section 5. Section 1006.31, Florida Statutes, is amended  
 267 to read:

268 1006.31 Duties of the ~~Department of Education and~~ school  
 269 district instructional materials reviewer.—The duties of the  
 270 instructional materials reviewer are:

271 (1) PROCEDURES.—To adhere to procedures prescribed by ~~the~~  
 272 ~~department or~~ the district for evaluating instructional  
 273 materials submitted by publishers and manufacturers in each  
 274 adoption. ~~This section applies to both the state and district~~  
 275 ~~approval processes.~~

276 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate  
 277 carefully all instructional materials submitted, in order to  
 278 ascertain which instructional materials, if any, submitted for  
 279 consideration implement the selection criteria developed by the  
 280 district ~~department~~ and those curricular objectives included  
 281 within applicable performance standards provided for in s.  
 282 1001.03(1).

283 (a) When recommending instructional materials for use in  
 284 the schools, each reviewer shall include only instructional  
 285 materials that accurately portray the ethnic, socioeconomic,  
 286 cultural, and racial diversity of our society, including men and

287 | women in professional, career, and executive roles, and the role  
 288 | and contributions of the entrepreneur and labor in the total  
 289 | development of this state and the United States.

290 |       (b) When recommending instructional materials for use in  
 291 | the schools, each reviewer shall include only materials that  
 292 | accurately portray, whenever appropriate, humankind's place in  
 293 | ecological systems, including the necessity for the protection  
 294 | of our environment and conservation of our natural resources and  
 295 | the effects on the human system of the use of tobacco, alcohol,  
 296 | controlled substances, and other dangerous substances.

297 |       (c) When recommending instructional materials for use in  
 298 | the schools, each reviewer shall require such materials as he or  
 299 | she deems necessary and proper to encourage thrift, fire  
 300 | prevention, and humane treatment of people and animals.

301 |       (d) When recommending instructional materials for use in  
 302 | the schools, each reviewer shall require, when appropriate to  
 303 | the comprehension of students, that materials for social  
 304 | science, history, or civics classes contain the Declaration of  
 305 | Independence and the Constitution of the United States. A  
 306 | reviewer may not recommend any instructional materials for use  
 307 | in the schools which contain any matter reflecting unfairly upon  
 308 | persons because of their race, color, creed, national origin,  
 309 | ancestry, gender, or occupation.

310 |       (e) Any instructional materials ~~material~~ recommended by  
 311 | each reviewer for use in the schools must ~~shall~~ be, to the  
 312 | satisfaction of each reviewer, accurate, objective, balanced,

313 noninflammatory, fact-based, and current, and suited to the  
 314 needs and comprehension of students at their respective grade  
 315 levels. A reviewer ~~Reviewers~~ shall consider for adoption  
 316 materials developed for academically talented students such as  
 317 those enrolled in advanced placement courses.

318 (f) Any instructional materials containing pornography or  
 319 which are otherwise prohibited under s. 847.012 may not be used  
 320 or made available within a public school. When selecting  
 321 instructional materials, library media, and other reading  
 322 materials used in the public school system, each reviewer shall  
 323 use, at a minimum, the following standards to determine the  
 324 propriety of the material:

325 1. The age of the students who normally could be expected  
 326 to have access to the material.

327 2. The educational purpose to be served by the material.  
 328 In considering instructional materials for classroom use,  
 329 priority shall be given to the selection of materials that  
 330 encompass the performance standards provided for in s.  
 331 1001.03(1) and that include the instructional objectives  
 332 contained in the course description approved by rule of the  
 333 State Board of Education.

334 3. The degree to which the material would be supplemented  
 335 and explained by mature classroom instruction as part of a  
 336 normal classroom instructional program.

337 4. The consideration of the broad racial, ethnic,  
 338 socioeconomic, and cultural diversity of the students of this

339 | state.

340 |       (3) REPORT OF REVIEWERS.—After a thorough study of all  
 341 | data submitted on each instructional material, to submit an  
 342 | electronic report to the district school board ~~department~~. The  
 343 | report shall be made public and must include responses to each  
 344 | section of the report format prescribed by the district school  
 345 | board ~~department~~.

346 |       Section 6. Section 1006.32, Florida Statutes, is amended  
 347 | to read:

348 |       1006.32 Prohibited acts.—

349 |       (1) A publisher or manufacturer of instructional material,  
 350 | or any representative thereof, may not offer to give any  
 351 | emolument, money, or other valuable thing, or any inducement, to  
 352 | a ~~any~~ district school board official or ~~state~~ instructional  
 353 | materials reviewer to directly or indirectly introduce,  
 354 | recommend, vote for, or otherwise influence the adoption or  
 355 | purchase of any instructional materials.

356 |       (2) A district school board official or an ~~a~~ ~~state~~  
 357 | instructional materials reviewer may not solicit or accept any  
 358 | emolument, money, or other valuable thing, or any inducement, to  
 359 | directly or indirectly introduce, recommend, vote for, or  
 360 | otherwise influence the adoption or purchase of any  
 361 | instructional material.

362 |       (3) A district school board or publisher may not  
 363 | participate in a pilot program of materials being considered for  
 364 | adoption during the 18-month period before the official adoption

365 of the materials by the commissioner. Any pilot program during  
 366 the first 2 years of the adoption period must have the prior  
 367 approval of the commissioner.

368 (4) Any publisher or manufacturer of instructional  
 369 materials or representative thereof or any district school board  
 370 official or ~~state~~ instructional materials reviewer who violates  
 371 ~~any provision of~~ this section commits a misdemeanor of the  
 372 second degree, punishable as provided in s. 775.082 or s.  
 373 775.083. A ~~Any~~ representative of a publisher or manufacturer who  
 374 violates any provision of this section, in addition to any other  
 375 penalty, shall be banned from practicing business in the state  
 376 for a period of 1 calendar year.

377 (5) This section does not prohibit any publisher,  
 378 manufacturer, or agent from supplying, for purposes of  
 379 examination, necessary sample copies of instructional materials  
 380 to any district school board official or ~~state~~ instructional  
 381 materials reviewer.

382 (6) This section does not prohibit a district school board  
 383 official or ~~state~~ instructional materials reviewer from  
 384 receiving sample copies of instructional materials.

385 (7) This section does not prohibit or restrict a district  
 386 school board official from receiving royalties or other  
 387 compensation, other than compensation paid to him or her as  
 388 commission for negotiating sales to district school boards, from  
 389 the publisher or manufacturer of instructional materials  
 390 written, designed, or prepared by such district school board

391 official, and adopted by the commissioner or purchased by any  
 392 district school board. A ~~No~~ district school board official may  
 393 not ~~shall be allowed to~~ receive royalties on any materials not  
 394 on the district-adopted ~~state-adopted~~ list purchased for use by  
 395 his or her district school board.

396 (8) A district school superintendent, district school  
 397 board member, teacher, or other person officially connected with  
 398 the government or direction of public schools may not receive  
 399 during the months actually engaged in performing duties under  
 400 his or her contract any private fee, gratuity, donation, or  
 401 compensation, in any manner whatsoever, for promoting the sale  
 402 or exchange of any instructional material, map, or chart in any  
 403 public school, or be an agent for the sale of, or the publisher  
 404 of, any instructional material or reference work, or have a  
 405 direct or indirect pecuniary interest in the introduction of any  
 406 such instructional material, and any such agency or interest  
 407 shall disqualify any person so acting or interested from holding  
 408 any district school board employment whatsoever, and the person  
 409 commits a misdemeanor of the second degree, punishable as  
 410 provided in s. 775.082 or s. 775.083; however, this subsection  
 411 does not prevent the adoption of any instructional material  
 412 written in whole or in part by a Florida author.

413 Section 7. Section 1006.33, Florida Statutes, is repealed.

414 Section 8. Section 1006.34, Florida Statutes, is repealed.

415 Section 9. Section 1006.35, Florida Statutes, is amended  
 416 to read:



417 1006.35 Accuracy of instructional materials.-

418 (1) In addition to relying on statements of publishers or  
 419 manufacturers of instructional materials, the district school  
 420 board ~~commissioner~~ may conduct or cause to be conducted an  
 421 independent investigation to determine the accuracy of district-  
 422 adopted ~~state-adopted~~ instructional materials.

423 (2) When errors in district-adopted ~~state-adopted~~  
 424 materials are confirmed, the publisher of the materials shall  
 425 provide to each district school board that ~~has~~ purchased the  
 426 materials the corrections in a format approved by the  
 427 investigating district school board ~~department~~.

428 (3) The district school board ~~commissioner~~ may remove  
 429 materials from the list of district-adopted ~~state-adopted~~  
 430 materials if it ~~he or she~~ finds that the content is in error and  
 431 the publisher refuses to correct the error when notified by the  
 432 district school board ~~department~~.

433 (4) The district school board ~~commissioner~~ may remove  
 434 materials from the list of district-adopted ~~state-adopted~~  
 435 materials at the request of the publisher if, in the district  
 436 school board's ~~his or her~~ opinion, there is no material impact  
 437 on the district's and the state's education goals.

438 Section 10. Section 1006.36, Florida Statutes, is  
 439 repealed.

440 Section 11. Section 1006.37, Florida Statutes, is amended  
 441 to read:

442 1006.37 Requisition of instructional materials from

443 publisher's depository.-

444 (1) The district school superintendent may ~~shall~~  
 445 requisition adopted instructional materials from the depository  
 446 of the publisher with whom a contract has been made or any other  
 447 vendor selling the adopted instructional materials. ~~However, the~~  
 448 ~~superintendent shall requisition current instructional materials~~  
 449 ~~to provide each student with a textbook or other materials as a~~  
 450 ~~major tool of instruction in core courses of the subject areas~~  
 451 ~~specified in s. 1006.40(2). These materials must be~~  
 452 ~~requisitioned within the first 3 years of the adoption cycle,~~  
 453 ~~except for instructional materials related to growth of student~~  
 454 ~~membership or instructional materials maintenance needs. The~~  
 455 ~~superintendent may requisition instructional materials in the~~  
 456 ~~core subject areas specified in s. 1006.40(2) that are related~~  
 457 ~~to growth of student membership or instructional materials~~  
 458 ~~maintenance needs during the 3rd, 4th, 5th, and 6th years of the~~  
 459 ~~original contract period.~~

460 (2) The district school superintendent shall verify that  
 461 the requisition is complete and accurate and order the  
 462 depository or vendor selling the adopted instructional materials  
 463 to forward to him or her the adopted instructional materials  
 464 shown by the requisition. The depository or vendor shall prepare  
 465 an invoice of the materials shipped, including shipping charges,  
 466 and mail it to the superintendent to whom the shipment is being  
 467 made. The superintendent shall pay the depository or vendor  
 468 within 60 days after receipt of the requisitioned materials from

469 the appropriation for the purchase of adopted instructional  
 470 materials.

471 (3) A district school board or a consortium of school  
 472 districts may ~~which implements an instructional materials~~  
 473 ~~program pursuant to s. 1006.283 is not required to~~ requisition  
 474 instructional materials from the publisher's depository or any  
 475 other vendor selling the adopted instructional materials.

476 Section 12. Section 1006.38, Florida Statutes, is amended  
 477 to read:

478 1006.38 Duties, responsibilities, and requirements of  
 479 instructional materials publishers and manufacturers. ~~This~~  
 480 ~~section applies to both the state and district approval~~  
 481 ~~processes.~~ Publishers and manufacturers of instructional  
 482 materials, or their representatives, shall:

483 (1) Comply with all provisions of this part.

484 (2) Electronically deliver fully developed sample copies  
 485 of all instructional materials upon which bids are based to the  
 486 district department pursuant to procedures adopted by the  
 487 district school board ~~State Board of Education.~~

488 (3) Submit, at a time designated by the district school  
 489 board ~~in s. 1006.33,~~ the following information:

490 (a) Detailed specifications of the physical  
 491 characteristics of the instructional materials, including any  
 492 software or technological tools required for use by the  
 493 district, school, teachers, or students. The publisher or  
 494 manufacturer shall comply with these specifications if the

495 instructional materials are adopted and purchased in completed  
 496 form.

497 (b) Evidence that the publisher or manufacturer has  
 498 provided materials that address the performance standards  
 499 provided for in s. 1001.03(1) and that can be accessed through  
 500 the district's local instructional improvement system and a  
 501 variety of electronic, digital, and mobile devices.

502 (c) Evidence that the instructional materials include  
 503 specific references to statewide standards in the teacher's  
 504 manual and incorporate such standards into chapter tests or the  
 505 assessments.

506 (4) Make available for purchase by any district school  
 507 board any diagnostic, criterion-referenced, or other tests that  
 508 they may develop.

509 (5) Furnish the instructional materials offered by them at  
 510 a price in the state which, including all costs of electronic  
 511 transmission, may not exceed the lowest price at which they  
 512 offer such instructional materials for adoption or sale to any  
 513 state or school district in the United States.

514 (6) Reduce automatically the price of the instructional  
 515 materials to any district school board to the extent that  
 516 reductions are made elsewhere in the United States.

517 (7) Provide any instructional materials free of charge in  
 518 the state to the same extent as they are provided free of charge  
 519 to any state or school district in the United States.

520 (8) Guarantee that all copies of any instructional

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521 materials sold in this state will be at least equal in quality  
 522 to the copies of such instructional materials that are sold  
 523 elsewhere in the United States and will be kept revised, free  
 524 from all errors, and up-to-date as may be required by the  
 525 department.

526 (9) Agree that any supplementary material developed at the  
 527 district or state level does not violate the author's or  
 528 publisher's copyright, provided such material is developed in  
 529 accordance with the doctrine of fair use.

530 (10) Not in any way, directly or indirectly, become  
 531 associated or connected with any combination in restraint of  
 532 trade in instructional materials, nor enter into any  
 533 understanding, agreement, or combination to control prices or  
 534 restrict competition in the sale of instructional materials for  
 535 use in the state.

536 (11) Maintain or contract with a depository in the state.

537 (12) For the core subject areas specified in s.  
 538 1006.40(2), maintain in the depository ~~for the first 3 years of~~  
 539 ~~the contract~~ an inventory of instructional materials sufficient  
 540 to receive and fill orders.

541 ~~(13) For the core subject areas specified in s.~~  
 542 ~~1006.40(2), ensure the availability of an inventory sufficient~~  
 543 ~~to receive and fill orders for instructional materials for~~  
 544 ~~growth, including the opening of a new school, and replacement~~  
 545 ~~during the 3rd and subsequent years of the original contract~~  
 546 ~~period.~~

547        (13)~~(14)~~ Accurately and fully disclose only the names of  
 548 those persons who actually authored the instructional materials.  
 549 In addition to the penalties provided in subsection (15)  
 550 ~~subsection (16)~~, the district school board ~~commissioner~~ may  
 551 remove from the list of district-adopted ~~state-adopted~~  
 552 instructional materials those instructional materials whose  
 553 publisher or manufacturer misleads the purchaser by falsely  
 554 representing genuine authorship.

555        (14)~~(15)~~ Grant, without prior written request, for any  
 556 copyright held by the publisher or its agencies automatic  
 557 permission to the district school board ~~department or its~~  
 558 ~~agencies~~ for the reproduction of instructional materials and  
 559 supplementary materials in Braille, large print, or other  
 560 appropriate format for use by visually impaired students or  
 561 other students with disabilities who ~~that~~ would benefit from use  
 562 of the materials.

563        (15)~~(16)~~ Upon the willful failure of the publisher or  
 564 manufacturer to comply with the requirements of this section, be  
 565 liable to the district school board ~~department~~ in the amount of  
 566 three times the total sum which the publisher or manufacturer  
 567 was paid in excess of the price required under subsections (5)  
 568 and (6) and in the amount of three times the total value of the  
 569 instructional materials and services which the district school  
 570 board is entitled to receive free of charge under subsection  
 571 (7).

572        Section 13. Subsections (2) and (3) of section 1006.40,

573 Florida Statutes, are amended to read:

574 1006.40 Use of instructional materials allocation;  
 575 instructional materials, library books, and reference books;  
 576 repair of books.-

577 (2) Each district school board must purchase current  
 578 instructional materials to provide each student in kindergarten  
 579 through grade 12 with a major tool of instruction in core  
 580 courses of the subject areas of mathematics, language arts,  
 581 science, social studies, reading, and literature ~~for~~  
 582 ~~kindergarten through grade 12. Such purchase must be made within~~  
 583 ~~the first 3 years after the effective date of the adoption~~  
 584 ~~cycle. For the 2012-2013 mathematics adoption, a district using~~  
 585 ~~a comprehensive mathematics instructional materials program~~  
 586 ~~adopted in the 2009-2010 adoption shall be deemed in compliance~~  
 587 ~~with this subsection if it provides each student with such~~  
 588 ~~additional state-adopted materials as may be necessary to align~~  
 589 ~~the previously adopted comprehensive program to common core~~  
 590 ~~standards and the other criteria of the 2012-2013 mathematics~~  
 591 ~~adoption.~~

592 (3) ~~(a)~~ Beginning in the 2014-2015 ~~By the 2015-2016~~ fiscal  
 593 year, each district school board shall use at least 50 percent  
 594 of the annual allocation, and may use all of the allocation, for  
 595 the purchase of digital ~~or electronic~~ instructional materials  
 596 that are consistent with district goals and objectives and the  
 597 course descriptions adopted in rule by the State Board of  
 598 Education, align with the performance standards provided for in

599 s. 1001.03(1), meet the requirements in s. 1006.31, and are on  
 600 the district-adopted list ~~align with state standards included on~~  
 601 ~~the state-adopted list, except as otherwise authorized in~~  
 602 ~~paragraphs (b) and (c). This section does not apply to a~~  
 603 ~~district school board or a consortium of school districts which~~  
 604 ~~implements an instructional materials program pursuant to s.~~  
 605 ~~1006.283, except that by the 2015-2016 fiscal year, each~~  
 606 ~~district school board shall use at least 50 percent of the~~  
 607 ~~annual allocation for the purchase of digital or electronic~~  
 608 ~~instructional materials that align with state standards.~~

609 ~~(b) Up to 50 percent of the annual allocation may be used~~  
 610 ~~for the purchase of instructional materials, including library~~  
 611 ~~and reference books and nonprint materials, not included on the~~  
 612 ~~state-adopted list and for the repair and renovation of~~  
 613 ~~textbooks and library books.~~

614 ~~(c) District school boards may use 100 percent of that~~  
 615 ~~portion of the annual allocation designated for the purchase of~~  
 616 ~~instructional materials for kindergarten, and 75 percent of that~~  
 617 ~~portion of the annual allocation designated for the purchase of~~  
 618 ~~instructional materials for first grade, to purchase materials~~  
 619 ~~not on the state-adopted list.~~

620 Section 14. Subsection (1) of section 1006.41, Florida  
 621 Statutes, is amended to read:

622 1006.41 Disposal of instructional materials.—

623 (1) Instructional materials that have become unserviceable  
 624 or surplus or are no longer on the district ~~state~~ contract may



625 | be disposed of, under adopted rule of the district school board,  
 626 | by:

627 |       (a) Giving or lending the materials to other public  
 628 | education programs within the district or state, to the teachers  
 629 | to use in developing supplementary teaching materials, to  
 630 | students or others, or to any charitable organization,  
 631 | governmental agency, home education students, private school, or  
 632 | state.

633 |       (b) Selling the materials to used book dealers, recycling  
 634 | plants, pulp mills, or other persons, firms, or corporations  
 635 | upon such terms as are most economically advantageous to the  
 636 | district school board.

637 |       Section 15. Section 1006.282, Florida Statutes, is amended  
 638 | to read:

639 |       1006.282 Pilot program for the transition to ~~electronic~~  
 640 | ~~and~~ digital instructional materials.-

641 |       (1) A district school board may designate pilot program  
 642 | schools to implement the transition to instructional materials  
 643 | that are in ~~an electronic or~~ a digital format as defined in s.  
 644 | 1006.283 ~~s. 1006.29(3)~~.

645 |       (2) A district school board may designate pilot program  
 646 | schools if the school district:

647 |       (a) Implements a local instructional improvement system  
 648 | pursuant to s. 1006.281 which enables district staff to plan,  
 649 | create, and manage professional development and to connect  
 650 | professional development with staff information and student

651 performance, provides the ability to seamlessly connect the  
 652 system to ~~electronic and~~ digital instructional materials and the  
 653 instructional materials to student assessment data, and includes  
 654 the minimum standards published by the Department of Education.

655 (b) Requests only the ~~electronic or~~ digital format of the  
 656 sample copies of instructional materials submitted pursuant to  
 657 s. 1006.283 ~~s. 1006.33~~.

658 (c) Uses at least 50 percent of the pilot program school's  
 659 annual allocation from the district for the purchase of  
 660 ~~electronic or~~ digital instructional materials included on the  
 661 district-adopted ~~state-adopted~~ list.

662 (3) A school designated as a pilot program school by the  
 663 school board is exempt from:

664 (a) Section 1006.40(2), if the school provides  
 665 comprehensive ~~electronic or~~ digital instructional materials to  
 666 all students; and

667 (b) Section 1006.37.

668 (4) By August 1 of each year, beginning in 2011, the  
 669 school board must report to the Department of Education the  
 670 school or schools in its district which have been designated as  
 671 pilot program schools. The department shall publish the list of  
 672 pilot program schools on the department's Internet website. The  
 673 report must include:

674 (a) The name of the pilot program school, the contact  
 675 person and contact person information, and the grade or grades  
 676 and associated course or courses included in the pilot program

677 school.

678 (b) A description of the type of technological tool or  
 679 tools that will be used to access the ~~electronic~~ or digital  
 680 instructional materials included in the pilot program school,  
 681 whether district-owned or student-owned.

682 (c) The projected costs and funding sources, which must  
 683 include cost savings or cost avoidances, associated with the  
 684 pilot program.

685 (5) By September 1 of each year, beginning in 2012, each  
 686 school board that has a designated pilot program school shall  
 687 provide to the Department of Education, the Executive Office of  
 688 the Governor, and the chairs of the appropriations committees of  
 689 the Senate and the House of Representatives a review of the  
 690 pilot program schools which must include, but need not be  
 691 limited to:

692 (a) Successful practices;

693 (b) The average amount of online Internet time needed by a  
 694 student to access and use the school's ~~electronic~~ or digital  
 695 instructional materials;

696 (c) Lessons learned;

697 (d) The level of investment and cost-effectiveness; and

698 (e) Impacts on student performance.

699 Section 16. Section 1010.82, Florida Statutes, is amended  
 700 to read:

701 1010.82 Textbook Bid Trust Fund.—Chapter 99-36, Laws of  
 702 Florida, re-created the Textbook Bid Trust Fund to record the

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703 | revenue and disbursements of textbook bid performance deposits  
704 | submitted to the Department of Education ~~as required in s.~~  
705 | ~~1006.33.~~

706 |       Section 17. This act shall take effect July 1, 2014.

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COMMITTEE/SUBCOMMITTEE ACTION

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

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1 Committee/Subcommittee hearing bill: Education Appropriations  
2 Subcommittee

3 Representative Gaetz offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (1) of section 1006.28, Florida  
8 Statutes, is amended to read:

9 1006.28 Duties of district school board, district school  
10 superintendent; and school principal regarding K-12  
11 instructional materials.-

12 (1) DISTRICT SCHOOL BOARD.-The district school board has  
13 the constitutional duty and responsibility to select and provide  
14 adequate instructional materials for all students in accordance  
15 with the requirements of this part. The term "adequate  
16 instructional materials" means a sufficient number of student or  
17 site licenses or sets of materials that are available in bound,

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18 unbound, kit, or package form and may consist of hardbacked or  
19 softbacked textbooks, electronic content, consumables, learning  
20 laboratories, manipulatives, electronic media, and computer  
21 courseware or software that serve as the basis for instruction  
22 for each student in the core courses of mathematics, language  
23 arts, social studies, science, reading, and literature. The  
24 district school board has the following specific duties and  
25 responsibilities:

26 (a) Courses of study; adoption.—Adopt courses of study,  
27 including instructional materials, for use in the schools of the  
28 district. Each district school board is responsible for the  
29 content of all instructional materials used in a classroom,  
30 whether purchased through an adoption process or otherwise  
31 purchased or made available in the classroom.

32 (b) Instructional materials.—Provide for proper  
33 requisitioning, distribution, accounting, storage, care, and use  
34 of all instructional materials and furnish such other  
35 instructional materials as may be needed. The district school  
36 board shall ensure that instructional materials used in the  
37 district are consistent with the district goals and objectives  
38 and the course descriptions established in rule of the State  
39 Board of Education, as well as with the ~~state and district~~  
40 performance standards provided for in s. 1003.41 ~~1001.03(1)~~.

41 (c) Other instructional materials.—Provide such other  
42 teaching accessories and aids as are needed for the school  
43 district's educational program.

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44 (d) School library media services; establishment and  
45 maintenance.—Establish and maintain a program of school library  
46 media services for all public schools in the district, including  
47 school library media centers, or school library media centers  
48 open to the public, and, in addition such traveling or  
49 circulating libraries as may be needed for the proper operation  
50 of the district school system.

51 Section 2. Section 1006.283, Florida Statutes, is amended  
52 to read:

53 1006.283 District school board instructional materials  
54 review process.—

55 (1) A district school board or consortium of school  
56 districts may implement an instructional materials program that  
57 includes the review, recommendation approval, adoption, and  
58 purchase of instructional materials. ~~Beginning in the 2013-2014~~  
59 ~~school year,~~ The district school superintendent shall certify to  
60 the department by March 31 of each year that all instructional  
61 materials for core courses used by the district are aligned with  
62 applicable state standards. ~~Included in the certification shall~~  
63 ~~be~~ A list of the core instructional materials that will be used  
64 or purchased for use by the school district shall be included in  
65 the certification.

66 (2) (a) If a district ~~The~~ school board chooses to implement  
67 its own instructional materials program, the school board shall  
68 adopt rules implementing the district's instructional materials

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69 program which must include its processes, criteria, and  
70 requirements for the following, but need not be limited to:

71 1. Selection of reviewers, one or more of whom must be  
72 parents with children in public schools.

73 2. Review of instructional materials.

74 3. Selection of instructional materials, including a  
75 thorough review of curriculum content.

76 4. Reviewer recommendations.

77 5. District school board adoption.

78 6. Purchase of instructional materials.

79 (b) District school board rules shall also:

80 ~~(a) Its review and purchase process.~~

81 1. ~~(b)~~ Identify, by subject area, ~~identification of a~~  
82 review cycle for instructional materials.

83 2. ~~(e)~~ Specify the ~~duties and~~ qualifications for an of the  
84 instructional materials reviewer and the process for selecting  
85 reviewers; list a reviewer's duties and responsibilities,  
86 including compliance with the requirements in s. 1006.31; and  
87 provide that all instructional materials recommended by a  
88 reviewer be accompanied by the reviewer's statement that the  
89 materials align with the state standards pursuant to s. 1003.41  
90 and the requirements in s. 1006.31.

91 3. ~~(d)~~ State the requirements for an affidavit to be made  
92 by each a district instructional materials reviewer which  
93 substantially meet ~~includes~~ the requirements of s. 1006.30.

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94 4.(e) Comply ~~Compliance~~ with s. 1006.32, relating to  
95 prohibited acts.

96 5.(f) Establish a process that certifies the accuracy of  
97 instructional materials.

98 6.(g) Incorporate ~~The incorporation of~~ applicable  
99 requirements of s. 1006.31, which relates to the duties of  
100 instructional materials reviewers.

101 7.(h) Incorporate ~~The incorporation of~~ applicable  
102 requirements of s. 1006.38, relating to the duties,  
103 responsibilities, and requirements of publishers of  
104 instructional materials.

105 8. Establish the process by which instructional materials  
106 are adopted by the district school board, which must include:

107 a. A process to allow student editions of recommended  
108 instructional materials to be accessed and viewed online by the  
109 public at least 20 calendar days before the school board hearing  
110 and public meeting as specified in this subparagraph. This  
111 process must include reasonable safeguards against the  
112 unauthorized use, reproduction, and distribution of  
113 instructional materials considered for adoption.

114 b. An open, noticed school board hearing to receive public  
115 comment on the recommended instructional materials.

116 c. An open, noticed public meeting to approve an annual  
117 instructional materials plan to identify any instructional  
118 materials that will be purchased through the district school  
119 board instructional materials review process pursuant to this

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120 section. This public meeting must be held on a different date  
121 than the school board hearing.

122 d. Notice requirements for the school board hearing and  
123 the public meeting which must specifically state which  
124 instructional materials are being reviewed and the manner in  
125 which the instructional materials can be accessed for public  
126 review.

127 9. Establish the process by which the district school  
128 board shall receive public comment on, and review, the  
129 recommended instructional materials.

130 10.(i) Establish the process by which instructional  
131 materials will be purchased, including advertising, bidding, and  
132 purchasing requirements.

133 11. Establish the process by which the school district  
134 will notify parents of their ability to access their children's  
135 textbooks and instructional materials through the district's  
136 local instructional improvement system and by which the school  
137 district will encourage parents to access the system. This  
138 notification must be displayed prominently on the district  
139 school board's website and provided annually in written format  
140 to all parents of enrolled students.

141 (3) (a) The school board may assess and collect fees from  
142 publishers participating in the instructional materials approval  
143 process. The amount assessed and collected must be posted on the  
144 school district's website and reported to the department. The  
145 fees may not exceed the actual cost of the review process, and

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146 the fees may not exceed \$3,500 per submission by a publisher.  
147 Any fees collected for this process shall be allocated for the  
148 support of the review process and maintained in a separate line  
149 item for auditing purposes.

150 (b) The fees shall be used to cover the actual cost of  
151 substitute teachers for each workday that a member of a school  
152 district's instructional staff is absent from his or her  
153 assigned duties for the purpose of rendering service as an  
154 instructional materials reviewer. In addition, each reviewer may  
155 be paid a stipend and is entitled to reimbursement for travel  
156 expenses and per diem in accordance with s. 112.061 for actual  
157 service in meetings.

158 (4) Instructional materials that have been reviewed by the  
159 district instructional materials reviewers and approved must  
160 have been determined to align with all applicable state  
161 standards pursuant to s. 1003.41 and the requirements in s.  
162 1006.31. The district school superintendent shall annually  
163 certify to the department that all instructional materials for  
164 core courses used by the district are aligned with all  
165 applicable state standards and have been reviewed, selected, and  
166 adopted by the district school board in accordance with the  
167 school board hearing and public meeting requirements of this  
168 section.

169 (5) A publisher that offers instructional materials to a  
170 district school board must provide such materials at a price  
171 that, including all costs of electronic transmission, does not

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172 exceed the lowest price at which the publisher offers such  
173 instructional materials for approval or sale to any state or  
174 school district in the United States.

175 (6) A publisher shall reduce automatically the price of  
176 the instructional materials to the district school board to the  
177 extent that reductions in price are made elsewhere in the United  
178 States.

179 (7) The school district shall make available, upon request  
180 for public inspection, sample copies of all instructional  
181 materials that have been purchased by the district school board.

182 Section 3. Subsection (2) of section 1006.31, Florida  
183 Statutes, is amended to read:

184 1006.31 Duties of the Department of Education and school  
185 district instructional materials reviewer.—The duties of the  
186 instructional materials reviewer are:

187 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.— To use  
188 ~~evaluate carefully all instructional materials submitted, in~~  
189 ~~order to ascertain which instructional materials, if any,~~  
190 ~~submitted for consideration implement~~ the selection criteria  
191 listed in s. 1006.34(2)(b) developed by the department and  
192 recommend for adoption only those instructional materials  
193 aligned with the state ~~those curricular objectives included~~  
194 within applicable performance standards provided for in s.  
195 1003.41 ~~1001.03(1)~~. Instructional materials recommended by each  
196 reviewer shall be, to the satisfaction of each reviewer,  
197 accurate, objective, balanced, noninflammatory, current, and

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 921 (2014)

Amendment No. 1

198 suited to student needs and their ability to comprehend the  
199 material presented. Reviewers shall consider for recommendation  
200 materials developed for academically talented students such as  
201 those enrolled in advanced placement courses. When recommending  
202 instructional materials, each reviewer shall:

203 (a) ~~When recommending instructional materials for use in~~  
204 ~~the schools, each reviewer shall~~ Include only instructional  
205 materials that accurately portray the ethnic, socioeconomic,  
206 cultural, religious, physical, and racial diversity of our  
207 society, including men and women in professional, career, and  
208 executive roles, and the role and contributions of the  
209 entrepreneur and labor in the total development of this state  
210 and the United States.

211 (b) ~~When recommending instructional materials for use in~~  
212 ~~the schools, each reviewer shall~~ Include only materials that  
213 accurately portray, whenever appropriate, humankind's place in  
214 ecological systems, including the necessity for the protection  
215 of our environment and conservation of our natural resources and  
216 the effects on the human system of the use of tobacco, alcohol,  
217 controlled substances, and other dangerous substances.

218 (c) Include ~~When recommending instructional materials for~~  
219 ~~use in the schools, each reviewer shall require such~~ materials  
220 that as he or she deems necessary and proper to encourage  
221 thrift, fire prevention, and humane treatment of people and  
222 animals.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 921 (2014)

Amendment No. 1

223           (d) ~~When recommending instructional materials for use in~~  
224 ~~the schools, each reviewer shall~~ Require, when appropriate to  
225 the comprehension of students, that materials for social  
226 science, history, or civics classes contain the Declaration of  
227 Independence and the Constitution of the United States. A  
228 reviewer may not recommend any instructional materials that ~~for~~  
229 ~~use in the schools which~~ contain any matter reflecting unfairly  
230 upon persons because of their race, color, creed, national  
231 origin, ancestry, gender, religion, disability, socioeconomic  
232 status, or occupation.

233           ~~(e) Any instructional material recommended by each~~  
234 ~~reviewer for use in the schools shall be, to the satisfaction of~~  
235 ~~each reviewer, accurate, objective, and current and suited to~~  
236 ~~the needs and comprehension of students at their respective~~  
237 ~~grade levels. Reviewers shall consider for adoption materials~~  
238 ~~developed for academically talented students such as those~~  
239 ~~enrolled in advanced placement courses.~~

240           Section 4. Subsection (2), paragraph (a) of subsection  
241 (3), and subsection (5) of section 1006.40, Florida Statutes,  
242 are amended to read:

243           1006.40 Use of instructional materials allocation;  
244 instructional materials, library books, and reference books;  
245 repair of books.-

246           (2) Each district school board must purchase current  
247 instructional materials to provide each student in kindergarten  
248 through grade 12 with a major tool of instruction in core

## COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 921 (2014)

Amendment No. 1

249 courses of the subject areas of mathematics, language arts,  
250 science, social studies, reading, and literature ~~for~~  
251 ~~kindergarten through grade 12~~. Such purchase must be made within  
252 the first 3 years after the effective date of the adoption  
253 cycle. ~~For the 2012-2013 mathematics adoption, a district using~~  
254 ~~a comprehensive mathematics instructional materials program~~  
255 ~~adopted in the 2009-2010 adoption shall be deemed in compliance~~  
256 ~~with this subsection if it provides each student with such~~  
257 ~~additional state adopted materials as may be necessary to align~~  
258 ~~the previously adopted comprehensive program to common core~~  
259 ~~standards and the other criteria of the 2012-2013 mathematics~~  
260 ~~adoption.~~

261 (3) (a) Beginning in ~~By the 2014-2015 2015-2016~~ fiscal  
262 year, each district school board shall use at least 50 percent  
263 of the annual allocation, and may use all of the allocation, for  
264 the purchase of digital or electronic instructional materials  
265 that are consistent with district goals and objectives and the  
266 course descriptions adopted in rule by the State Board of  
267 Education, align with the standards provided for in s. 1003.41,  
268 and meet the requirements in s. 1006.31 ~~align with state~~  
269 ~~standards included on the state adopted list, except as~~  
270 ~~otherwise authorized in paragraphs (b) and (c)~~. This section  
271 does not apply to a district school board or a consortium of  
272 school districts which implements an instructional materials  
273 program pursuant to s. 1006.283, except that by the 2015-2016  
274 fiscal year, each district school board shall use at least 50

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COMMITTEE/SUBCOMMITTEE AMENDMENT

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275 percent of the annual allocation for the purchase of digital or  
276 electronic instructional materials that align with state  
277 standards.

278 (5) Each district school board is responsible for the  
279 content of all instructional materials used in a classroom,  
280 whether purchased through an adoption process or otherwise  
281 purchased or made available in the classroom. Each district  
282 school board shall adopt rules, and each district school  
283 superintendent shall implement procedures, that:

284 (a) Maximize the ~~will assure the maximum use by the~~  
285 ~~students~~ of the district-approved authorized instructional  
286 materials by the students.

287 (b) Provide a process for public review of, and comment  
288 on, instructional materials before purchase which satisfies the  
289 requirements of s. 1006.283(2).

290 Section 5. This act shall take effect July 1, 2014.

291

292

293

294

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

295

Remove everything before the enacting clause and insert:

296

An act relating to instructional materials for K-12 public

297

education; amending s. 1006.28, F.S.; providing that the

298

district school board has the constitutional duty and

299

responsibility to select and provide adequate instructional

300

materials for all students; providing that the district school



COMMITTEE/SUBCOMMITTEE AMENDMENT

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Amendment No. 1

301 board is responsible for the content of all instructional  
302 materials; amending s. 1006.283, F.S.; providing requirements  
303 for a district instructional materials program and district  
304 school board rules relating thereto; including criteria for the  
305 review, recommendation, and adoption of instructional materials  
306 and the process by which a school district will notify parents  
307 of their ability to access their children's instructional  
308 materials; providing for inspection of purchased instructional  
309 materials; amending s. 1006.31, F.S.; providing duties for  
310 instructional materials reviewers; amending s. 1006.40, F.S.;  
311 deleting provisions regarding the adoption of certain  
312 instructional materials for mathematics; authorizing each  
313 district school board to use all of the instructional materials  
314 annual allocation for the purchase of digital or electronic  
315 instructional materials that meet certain requirements;  
316 providing that each district school board is responsible for the  
317 content of all instructional materials used in a classroom;  
318 requiring district school boards to provide a process for public  
319 review of, and comment on, instructional materials; providing an  
320 effective date.  
321



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1053 Teacher Education  
**SPONSOR(S):** Higher Education & Workforce Subcommittee, Castor Dentel and others  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 1456

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	12 Y, 0 N, As CS	Thomas	Sherry
2) Education Appropriations Subcommittee		Butler	Heflin
3) Education Committee			

### SUMMARY ANALYSIS

The Minority Teacher Education Scholars Program (scholarship program) is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American students. The scholarship program provides an annual scholarship in an amount that must be prorated based on available appropriations; the award may not exceed \$4,000. Awards are available to approved minority teacher education scholars who are enrolled in a Florida public or private postsecondary institution in their junior year and who are admitted into a teacher education program.

The Florida Fund for Minority Teachers, Inc., (corporation) is a not-for-profit statutory corporation housed within the College of Education at the University of Florida that administers and manages the scholarship program.

The bill:

- Revises the eligibility requirements for the scholarship program by removing a requirement that students enrolled in an approved minority teacher education program must be in their junior year to be eligible for the award, and requires that the student may not have earned more than 18 credit hours of upper-division education courses.
- Allows students to use the scholarship to pursue a graduate degree with a major in education.
- Removes the requirement that administrative costs for the support of the Board of Directors and the corporation not exceed the five percent of appropriated funds for the scholarship program.
- Provides that the administrative costs for the scholarship program may not exceed \$100,000.
- Provides that an annual expenditure of up to \$100,000 of appropriated funds and other available funds may be used for a required training program.

The bill does not require an additional appropriation; however, by changing current caps for administrative and training program expenditures, scholarship awards to students may be affected. SEE FISCAL COMMENTS.

The bill is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Minority Teacher Education Scholars Program**

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

The Minority Teacher Education Scholars Program (scholarship program) is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American students. The scholarship program provides an annual scholarship in an amount that must be prorated based on available appropriation and may not exceed \$4,000 for each recipient who is enrolled in one of Florida's public or private universities or Florida College System (FCS) institutions in their junior year and is admitted into a teacher education program.<sup>1</sup>

To assist participating institutions in the recruitment and retention of minority teacher scholars, the administrators of the Florida Fund for Minority Teachers, Inc., are required to implement a training program.<sup>2</sup> The mandatory training has been accomplished in the past by sponsoring a state-wide annual symposium. Symposium participants consist of current scholars and potential scholarship recipients. The workshops and training are designed to provide professional development sessions for current scholars, and exploratory sessions designed to inform and attract potential scholars. According to staff representing the program, the symposium has not been held in the past three years due to budgetary constraints.<sup>3</sup>

A student may receive a scholarship for three consecutive years, if the student remains enrolled full-time in the scholarship program and makes satisfactory progress toward a baccalaureate degree with a major in education.

An eligible student is required to:<sup>4</sup>

- Meet Florida residency requirements;
- Have earned 60 credit hours or an Associate of Arts degree;
- Have not earned a baccalaureate degree in education;
- Be classified as a junior and have not exceeded 18 hours of upper-division education credit at the time of application;
- Have and maintain a minimum 2.5 grade point average;
- Be a member of one of the following ethnic groups: African-American/Black, Hispanic-Latino, Asian-American/Pacific Islander or American Indian/Alaskan native; and
- Be newly admitted into a teacher education program at any of the scholarship program's participating institutions.

Upon graduation, a recipient is required to teach one year in a Florida public school for each year the scholarship was received. If a recipient does not graduate within the two to three years of receiving scholarship funding, or if a recipient does not teach in a Florida public school, the recipient will be

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<sup>1</sup> s. 1009.60(1), F.S.

<sup>2</sup> S. 1009.60(2), F.S.

<sup>3</sup> Email: Cheryl Williams, College Liaison for the University of Florida, College of Education, March 28, 2014. Florida Fund for Minority Teachers, Inc., is the not-for-profit corporation housed at the UF, College of Education required to administer and manage the program, pursuant to s. 1009.605(1), F.S.

<sup>4</sup> Florida Department of Education, Office of Student Financial Assistance, *Annual Report to the Commissioner 2012-13 (2013)*, available at <http://www.floridastudentfinancialaid.org/SSFAD/home/StateProgramLinks.htm>

required to repay the total amount of the scholarship received at an annual interest rate of eight percent, paid within ten years.<sup>5</sup>

### Effect of Proposed Changes

The bill revises the eligibility requirements for the scholarship program by removing a requirement that students enrolled in an approved minority teacher education program must be in their junior year to be eligible for the award, and requires that the student may not have earned more than 18 credit hours of upper-division education courses. The bill also allows a student to use the scholarship to pursue a graduate degree with a major in education.

### Florida Fund for Minority Teachers, Inc.

#### Present Situation

The Florida Fund for Minority Teachers, Inc., (corporation) is a not-for-profit statutory corporation housed within the College of Education at the University of Florida that administers and manages the scholarship program.<sup>6</sup>

The corporation is required to report to the Department of Education (DOE), the eligible students who received a scholarship each academic term, the annual balance of the corporation's assets and cash reserves, and any other information requested by DOE. By June 30<sup>th</sup> of each fiscal year, the corporation must remit to DOE any appropriated funds that were not distributed for scholarship, less the five percent for administration, which includes administration of the required training program.

Of the appropriated amount of \$885,468 for the 2012-2013 fiscal year,<sup>7</sup> \$44,273 was expended as the allowable five percent for administrative costs. Scholarships totaling \$810,000 were disbursed to 278 students at an average award amount of \$2914.<sup>8</sup> The remaining \$31,195 was refunded to DOE by the corporation.<sup>9</sup>

The Board of Directors (board) must administer the corporation. The Governor must appoint to the board at least 15 but not more than 25 members. At least four members must be employed by FCS institutions and at least 11 members must be employed by public and private postsecondary institutions that operate colleges of education. At least one member must be a financial aid officer employed by a postsecondary education institution operating in Florida. Administrative costs for support of the board and the Florida Fund for Minority Teachers may not exceed five percent of funds allocated for the scholarship program.

The board must:

- Hold meetings;
- Select a chairperson;
- Make rules for its own government;
- Appoint an executive director to serve at its pleasure;
- Maintain a record of its proceedings;
- Delegate to the chairperson the responsibility for signing final orders; and

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<sup>5</sup> Florida Department of Education, Office of Student Financial Assistance, *2013-14 Minority Teacher Education Scholarship Program/Florida Fund for Minority Teachers, Inc. Are You Eligible: FFMT.pdf* available at: <http://www.floridastudentfinancialaid.org/SSFAD/home/ProgramsOffered.htm>

<sup>6</sup> s. 1009.605(1), F.S.

<sup>7</sup> Chapter 2012-118, Laws of Florida - Fiscal Year 2012-2013 General Appropriations Act, Specific Appropriation 58

<sup>8</sup> Florida Department of Education, Office of Student Financial Assistance, *Florida Fund for Minority Teachers 2012- 2013, End of Year Report* available at [https://www.floridastudentfinancialaidsg.org/pdf/EOY\\_Reports.asp?year=2012](https://www.floridastudentfinancialaidsg.org/pdf/EOY_Reports.asp?year=2012)

<sup>9</sup> Email verification with staff from the Florida Department of Education, Office of Student Financial Assistance, March 28, 2014

- Carry out a training program as required for the scholarship program. No more than five percent of funds appropriated and up to \$100,000 from other available funds for scholarship program may be expended annually for administration, including administration of the required training program.

### **Effect of Proposed Changes**

The bill removes the requirement that administrative costs for the support of the board and the Florida Fund for Minority Teachers not exceed the five percent of appropriated funds for the scholarship program. The bill provides that the administrative costs may not exceed \$100,000.

The bill also provides that an annual expenditure of up to \$100,000 from appropriated and other available funds may be used for a training program as required for the scholarship program.

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

Section 1. Amends s. 1009.60, F.S., revising eligibility criteria for receipt of a minority teacher education scholarship.

Section 2. Amends s. 1009.605, F.S., revising funds for administration and the training program carried out by the board of directors of the Florida Fund for Minority Teacher, Inc.

Section 3. Provides an effective date of upon becoming a law.

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

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

1. Revenues:

None.

2. Expenditures:

None.

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

1. Revenues:

None.

2. Expenditures:

None.

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

None.

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

The bill does not require an additional appropriation; however, by removing current caps for administrative and training program expenditures, scholarship awards to students may be affected.

This bill provides \$200,000 in spending authority that the Florida Fund for Minority Teachers, Inc., may use for administrative and training program costs. Currently, the corporation is capped at five percent of

appropriations, which equals \$44,273, and up to \$100,000 from other available funds. An appropriation of \$885,468 is currently proposed in the House General Appropriations Act for Fiscal Year 2014-2015. By allowing \$200,000 to be used for administrative and training costs, \$685,468 would be available for scholarships. Assuming the same number of scholarship awards would be distributed as in 2012-2013, 278 students would receive an average award of \$2,466. In 2012-2013, the average scholarship award for the 278 students was \$2,914.

### **III. COMMENTS**

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

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

This bill does not appear to require municipalities or counties to expend funds or to take any action requiring the expenditure of funds, reduce the authority that municipalities or counties have to raise revenues in the aggregate, or reduce the percentage of state tax shared with municipalities or counties.

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

None.

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

None.

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

None.

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

On March 25, 2014, the Higher Education & Workforce Subcommittee reported HB 1053 favorably as a committee substitute. There was one amendment to the bill that removed proposed changes to requirements for receiving a temporary teacher certificate.

This analysis is drafted to the committee substitute as passed by the Higher Education & Workforce Subcommittee.

1                                   A bill to be entitled  
 2           An act relating to teacher education; amending s.  
 3           1009.60, F.S.; revising eligibility criteria for  
 4           receipt of a minority teacher education scholarship;  
 5           amending s. 1009.605, F.S.; revising funding for  
 6           administration and the training program carried out by  
 7           the board of directors of the Florida Fund for  
 8           Minority Teachers, Inc.; providing an effective date.  
 9

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

12           Section 1. Subsections (1) and (4) of section 1009.60,  
 13 Florida Statutes, are amended to read:

14           1009.60 Minority teacher education scholars program.—There  
 15 is created the minority teacher education scholars program,  
 16 which is a collaborative performance-based scholarship program  
 17 for African-American, Hispanic-American, Asian-American, and  
 18 Native American students. The participants in the program  
 19 include Florida's Florida College System institutions and its  
 20 public and private universities that have teacher education  
 21 programs.

22           (1) The minority teacher education scholars program shall  
 23 provide an annual scholarship in an amount that shall be  
 24 prorated based on available appropriations and may not exceed  
 25 \$4,000 for each approved minority teacher education scholar who  
 26 is enrolled in one of Florida's public or private colleges or



27 | universities, ~~in the junior year and~~ is admitted into a teacher  
 28 | education program, and has not earned more than 18 credit hours  
 29 | of upper-division education courses.

30 | (4) A student may receive a scholarship from the program  
 31 | for 3 consecutive years if the student remains enrolled full-  
 32 | time in the program and makes satisfactory progress toward a  
 33 | baccalaureate degree with a major in education or a graduate  
 34 | degree with a major in education.

35 | Section 2. Paragraph (b) of subsection (2) and subsection  
 36 | (3) of section 1009.605, Florida Statutes, are amended, and  
 37 | subsection (4) is added to that section, to read:

38 | 1009.605 Florida Fund for Minority Teachers, Inc.—

39 | (2)

40 | (b) The corporation shall report to the Department of  
 41 | Education, by the date established by the department, the  
 42 | eligible students to whom scholarship moneys are disbursed each  
 43 | academic term, the annual balance of the corporation's assets  
 44 | and cash reserves, and any other information requested by the  
 45 | department in accordance with s. 1009.94. By June 30 of each  
 46 | fiscal year, the corporation shall remit to the department any  
 47 | appropriated funds that were not distributed for scholarships,  
 48 | less the funds ~~5 percent~~ for administration pursuant to  
 49 | subsection (3) and the funds for the training program required  
 50 | in subsection (4), ~~including administration of the required~~  
 51 | ~~training program, authorized pursuant to subsection (3).~~

52 | (3) A board of directors shall administer the corporation.

53 The Governor shall appoint to the board at least 15 but not more  
 54 than 25 members, who shall serve terms of 3 years, except that 4  
 55 of the initial members shall serve 1-year terms and 4 shall  
 56 serve 2-year terms. At least 4 members must be employed by  
 57 Florida College System institutions and at least 11 members must  
 58 be employed by public or private postsecondary institutions that  
 59 operate colleges of education. At least one member must be a  
 60 financial aid officer employed by a postsecondary education  
 61 institution operating in Florida. Administrative costs for  
 62 support of the Board of Directors and the Florida Fund for  
 63 Minority Teachers may not exceed \$100,000 ~~5 percent of funds~~  
 64 ~~allocated for the program~~. The board shall:

- 65 (a) Hold meetings to implement this section.
- 66 (b) Select a chairperson annually.
- 67 (c) Make rules for its own government.
- 68 (d) Appoint an executive director to serve at its  
 69 pleasure. The executive director shall be the chief  
 70 administrative officer and agent of the board.
- 71 (e) Maintain a record of its proceedings.
- 72 (f) Delegate to the chairperson the responsibility for  
 73 signing final orders.
- 74 ~~(g) Carry out the training program as required for the~~  
 75 ~~minority teacher education scholars program. No more than 5~~  
 76 ~~percent of the funds appropriated and up to \$100,000 from other~~  
 77 ~~available funds for the minority teacher education scholars~~  
 78 ~~program may be expended annually for administration, including~~

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2014

79 ~~administration of the required training program.~~



80       (4) The board of directors shall carry out a training  
81 program as required for the minority teacher education scholars  
82 program. Up to \$100,000 from appropriated funds and other  
83 available funds for the minority teacher education scholars  
84 program may be expended annually for the required training  
85 program.

86       Section 3. This act shall take effect upon becoming a law.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1059 Nursing Education Programs  
**SPONSOR(S):** Select Committee on Health Care Workforce Innovation; Pigman  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 1036

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Select Committee on Health Care Workforce Innovation	16 Y, 0 N, As CS	Dunn	Calamas
2) Education Appropriations Subcommittee		Garner 	Heflin 
3) Education Committee			

### SUMMARY ANALYSIS

In 2009, the Legislature determined that the state had a growing nursing workforce shortage and that there was an insufficient number of nursing programs in the state due to strict program requirements established by the Board of Nursing. That year, the Legislature reformed regulation of nursing programs by removing the Board of Nursing's discretion and rulemaking authority related to approving such programs. Instead, the Legislature codified the requirements for becoming an approved program. The law also included an accountability mechanism that required unaccredited programs to be placed on probation for having two consecutive years of national exam passage rates 10 percentage points or more below the national average.

To monitor progress of the regulatory reform, the Office of Program Policy Analysis and Government Accountability (OPPAGA) was charged with conducting a five-year implementation study. The study found the changes to the nursing program approval process led to rapid increases in the number of approved programs and available seats for students. However, most of the programs approved after 2009 had NCLEX passages rates 10 percentage points or more below the national average.

To hold nursing programs more accountable, this bill amends the Florida Nurse Practice Act to require nursing education programs that prepare students to be registered nurses (RNs) to be accredited by a nationally recognized nursing accrediting agency. The bill requires RN nursing education programs to obtain program accreditation by July 19, 2019 or within 5 years after the date of enrollment of the program's first students.

The bill authorizes the Board of Nursing to adopt rules relating to documenting the accreditation of nursing education programs. The bill requires the education policy area of OPPAGA to continue submitting annual implementation reports through January 30, 2020.

The bill revises the definition of "clinical training" to include clinical simulation and increases the authorized amount of clinical simulation training from 25 percent to 50 percent. The bill requires the clinical training portion of a nursing major curriculum to occur in the United States, the District of Columbia, or a possession or territory of the United States. The bill revises the definition of "practical nursing" to include teaching of general principles of health and wellness to the public and to students other than nursing students. The bill exempts nurses with specialty health care certification from continuing education required at biennial license renewal.

The bill has an insignificant negative fiscal impact on two public colleges that will have to obtain nursing program accreditation for their RN nursing programs. The bill has no fiscal impact on local governments.

The bill provides an effective date of July 1, 2014.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

##### Nursing Licensure

The Nurse Practice Act, chapter 464, F.S., governs the licensure and regulation of nurses in Florida. The Department of Health (DOH) is the licensing agency for nurses, and the Board of Nursing (BON) is the regulatory authority. The BON is comprised of 13 members appointed by the Governor and confirmed by the Senate.<sup>1</sup>

Applicants may apply to the DOH to be licensed as a registered nurse (RN) or a licensed practical nurse (LPN). RNs are licensed to practice "professional nursing;" whereas, LPNs are licensed to practice "practical nursing."<sup>2</sup> After graduating from a BON approved nursing program or equivalent, applicants must submit an application, pay a fee, submit information for a criminal background check, and pass a licensure exam.<sup>3</sup> For the exam requirement, the DOH uses the National Council Licensure Examination (NCLEX), developed by the National Council of State Boards of Nursing.

License renewal is required biennially.<sup>4</sup> Each renewal period, an RN must document completion of one hour of continuing education for each calendar month of the licensure cycle.<sup>5</sup> As part of the total hours required, all licensees must complete a two-hour course on the prevention of medical errors.<sup>6</sup> Beginning with the biennium ending in 2015, each licensee shall complete a two hour course on the laws and rules that govern the practice of nursing in Florida.<sup>7</sup>

##### Nurse Specialty Certification

Specialty certification is a process by which a nongovernmental agency validates, based upon predetermined standards, an individual nurse's qualifications for practice in a defined functional or clinical area of nursing.<sup>8</sup> Certifications are intended to raise nursing standards and are earned through an assessment process.<sup>9</sup>

Periodic recertification is required in order to maintain a specialty certification. Recertification typically requires proof of a designated number of clinic hours in the specialty practice, testing, professional competency (continuing education), or some combination of the three.<sup>10</sup>

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<sup>1</sup> Section 464.004, F.S. Board membership consists of seven registered nurses, three licensed practical nurses, and three lay persons without any connection to a health care facility. *Id.*

<sup>2</sup> Section 464.003, F.S. "Practice of professional nursing" means the performance of acts requiring substantial specialized knowledge, judgment, and nursing skill based upon applied principles of psychological, biological, physical, and social sciences. *Id.* "Practice of practical nursing" means the performance of selected acts and being responsible and accountable for making decisions that are based upon the individual's educational preparation and experience in nursing. *Id.*

<sup>3</sup> Section 464.008, F.S. The state also has a licensure by endorsement provision for nurses currently licensed and practicing in another state. Section 464.009, F.S.

<sup>4</sup> Section 464.013, F.S.

<sup>5</sup> Fla. Admin. Code Ann. r. 64B9-5.002 (2014).

<sup>6</sup> Fla. Admin. Code Ann. r. 64B9-5.011.

<sup>7</sup> Fla. Admin. Code Ann. r. 64B9-5.013.

<sup>8</sup> American Association of Critical-Care Nurses, *What is Nurse Certification?*, available at <http://www.aacn.org/wd/certifications/content/consumer-whatiscert.pcms?menu=certification> (last visited Mar. 12, 2014).

<sup>9</sup> *Id.*

<sup>10</sup> See, e.g., American Nurses Credentialing Center, *2014 Certification Renewal Requirements*, available at <http://www.nursecredentialing.org/RenewalRequirements.aspx> (last visited Mar. 12, 2014).

The National Commission for Certifying Agencies accredits sixteen nursing certification programs, for example the American Nurses Credentialing Center.<sup>11</sup> The individual certification programs offer specialty certification in a wide range of areas, such as acute care, ambulatory care, and clinical care.<sup>12</sup>

In Florida, RNs are not required to obtain specialty certification.<sup>13</sup> Nurses may voluntarily seek certification, or certification may be required by an employer.

### Nursing Education Programs

Nursing programs in Florida are offered by: public school district workforce education programs, Florida colleges, state universities, private institutions licensed by the Commission for Independent Education, private institutions that are members of the Independent Colleges and Universities of Florida (ICUF), and Pensacola Christian College, which is statutorily authorized by s. 1005.06(1)(e), F.S.<sup>14</sup>

A nursing education program is considered an accredited program if the program is accredited by a specialized nursing accrediting agency that is nationally recognized by the United States Secretary of Education to accredit nursing education programs.<sup>15</sup> A program that is approved by the BON that is not accredited is considered an approved program.<sup>16</sup> Chapter 464, F.S., recognizes and distinguishes between approved programs and accredited programs.

### *Approved Programs*

An educational institution may apply to the DOH to become an approved nursing program. The DOH reviews the applications for completeness. An application to become an approved program must document compliance with the following program standards: faculty qualifications, clinical training requirements, faculty-to-student ratios, signed agreements with clinical training sites in the curriculum plan, and curriculum and instruction requirements.<sup>17</sup>

Applications deemed complete are forwarded to the BON for approval. Within 90 days of receipt of the application from the DOH, the BON must approve the application or notify the applicant of the intent to deny the application. If noticed of the intent to deny, the applicant may request a hearing under chapter 120, F.S.<sup>18</sup>

An approved program's curriculum must consist of at least 50 percent clinical training for an associate's degree RN program or at least 40 percent clinical training for a bachelor's degree RN program.<sup>19</sup> No more than 25 percent of an approved program's clinical training may consist of clinical simulation.<sup>20</sup>

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<sup>11</sup> Institute for Credentialing Excellence, *NCCA-Accredited Certification Programs*, available at <http://www.credentialingexcellence.org/p/cm/ld/fid=121> (last visited Mar. 12, 2014).

<sup>12</sup> *Id.*

<sup>13</sup> Advanced Registered Nurse Practitioners are a special category of registered nurses. The Nurse Practice Act requires specialty certification in order to practice as an Advanced Registered Nurse Practitioner. See s. 464.012, F.S.

<sup>14</sup> This section of law exempts schools from the Commission for Independent Education's licensure requirements if the institution: had been so exempted prior to 2001; is incorporated in this state; the institution's credits or degrees are accepted for credit by at least three colleges that are fully accredited by an agency recognized by the U.S. Department of Education; the institution was exempt under that category prior to July 1, 1982; and the institution does not enroll any students who receive state or federal financial aid. Section 1005.06(1)(e), F.S. Only two institutions in Florida, Pensacola Christian College and Landmark Baptist College, are subject to this exemption. Landmark Baptist College does not offer a nursing program.

<sup>15</sup> Section 464.003(1), F.S.

<sup>16</sup> *Id.*

<sup>17</sup> Section 464.019(1), F.S.

<sup>18</sup> Section 464.019(2), F.S.

<sup>19</sup> Section 464.019(1)(b), F.S.

<sup>20</sup> Section 464.019(1)(c), F.S.

Approved programs must submit an annual report by November 1 of each year to the BON. The report must document enrollment, student retention rates, and accreditation status. The BON must publish on its website an approved program's graduate NCLEX passage rate, student retention rates, probationary status, accreditation status, and application documentation.

Approved programs are subject to an accountability provision. Approved programs that have two consecutive years of national exam passage rates 10 percentage points or more below the national average are placed on probation by the BON. If a program on probation does not achieve the required passage rate for any one calendar year during the two calendar years following its placement on probation, the BON must terminate the program.<sup>21</sup>

### *Accredited Programs*

Because accredited programs have to meet stringent criteria to maintain program accreditation, the following statutory requirements for approved programs are not applicable to accredited programs:<sup>22</sup>

- Documenting with the DOH compliance with faculty qualifications, clinical training requirements, faculty-to-student ratios, signed agreements with clinical training sites in the curriculum plan, and curriculum and instruction requirements;
- Clinical training minimums;
- Clinical simulation limitations;
- Annual reports to the BON;
- Publication of the accredited program's application documentation and student retention rates on the BON website; and
- Probation for NCLEX passage rates 10 percentage points below the national average.

Accredited program's accreditation status and graduate NCLEX passage rates must be published on the BON website.

### Clinical Simulation

Clinical simulation is the practice of recreating a clinical scenario in an artificial setting. Simulation training allows deliberate practice in a controlled environment and allows students to practice a procedure prior to performance on a live patient. Advances in technology have created the opportunity for clinical simulation to be used as a substitute for actual clinical experience. The ability to substitute clinical simulation for clinical training is useful for nursing programs dealing with a limited number of clinical sites or clinical sites that have inadequate learning opportunities.<sup>23</sup> Advantages of clinical simulation include:<sup>24</sup>

- No direct risk to patients;
- The opportunity for repetitive practice;
- Team training;
- Standardized curriculums;
- Reflective learning by facilitated debriefing of scenarios and video feedback; and
- The potential to decrease the number and effect of errors through crisis resource management training.

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<sup>21</sup> Section 464.019(6), F.S.

<sup>22</sup> Section 464.019(10), F.S.

<sup>23</sup> Frank D. Hicks et al., *The Effect of High-Fidelity Simulation on Nursing Students' Knowledge and Performance: A Pilot Study*, 1, (2009), available at [https://www.ncsbn.org/09\\_SimulationStudy\\_Vol40\\_web\\_with\\_cover.pdf](https://www.ncsbn.org/09_SimulationStudy_Vol40_web_with_cover.pdf) (last visited Mar. 12, 2014).

<sup>24</sup> *Id.* at 1-2.



A disadvantage to clinical simulation is difficulty in replicating reality. Equipment is often unable to imitate actual physiological signs or symptoms. An artificial environment with mannequins and standardized patients has the potential to eliminate emotional stress that would be present in a real situation. Trainee perception of the simulation may cause students to react differently due to the lack of consequences on patient safety.<sup>25</sup>

The body of literature on the effectiveness of clinical simulation is growing. A recent review of studies published between 1999 and January 2009, found that medium and/or high fidelity simulation using mannequins is an effective teaching and learning method when best practice guidelines are used.<sup>26</sup>

Competition for clinical training spots in Florida has increased significantly.<sup>27</sup> A recent Miami Herald article reported that some nursing programs have begun paying for access to hospitals for clinical training slots for students.<sup>28</sup> On-site clinical training is limited by the number of available sites and the hours the sites are available, which makes training through clinical simulation a valuable alternative.

### Nursing Education Program Reform

Prior to 2009, the BON had additional statutory authority over nursing program approval, including the ability to adopt rules related to educational objectives, faculty qualifications, curriculum guidelines, administrative procedures, and clinical training.<sup>29</sup>

However, in 2009, the Florida Legislature recognized that the state had a nursing shortage and that the shortage was projected to grow significantly. In 2007, demand for RNs exceeded supply by 10,850 RNs.<sup>30</sup> The Florida Center for Nursing predicted a statewide RN shortage of 52,209 nurses by 2020.<sup>31</sup> The Legislature identified a shortage of available seats in nursing programs for qualified applicants. For academic year 2007-2008, over 12,500 qualified applicants in Florida were turned away because schools were at capacity, and 68 percent of qualified RN applicants were turned away.<sup>32</sup>

To address the issue of program seat capacity, the 2009 Legislature codified the requirements for becoming an approved nursing program, removing the discretion and rulemaking authority from the BON.<sup>33</sup> The new law removed BON oversight of faculty requirements, student to faculty ratios, clinical training and clinical simulation requirements, and curriculum and instruction requirements. The law added transparency provisions and a measure to hold programs accountable via NCLEX passage rates.

The new law increased transparency by requiring nursing programs to submit an annual report to the BON, which the BON was required to use to publish program data to its website. The BON was

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<sup>25</sup> *Id.* at 2-3.

<sup>26</sup> Robyn P. Cant & Simon J. Cooper, *Simulation-based Learning in Nurse Education: Systematic Review*, 66 J. ADVANCED NURSING 3, 3 (2009). See Denise Ellis et al., *Hospital, Simulation Center, and Teamwork Training for Eclampsia Management: A Randomized Controlled Trial*, 111 OBSTETRICS AND GYNECOLOGY 723, 723 (2008), for recent study of 132 students finding revealing no differences in clinical versus simulated training. *But cf.* Frank D. Hicks et al., *supra* note 21 (finding inconclusive results, with clinical students and simulation students having different strengths and weaknesses).

<sup>27</sup> Michael Vasquez, *Trend of Pay-to-play Medical Training Worries Critics*, March 8, 2014, available at <http://www.miamiherald.com/2014/03/08/3983064/trend-of-pay-to-play-medical-training.html> (last visited Mar. 12, 2014).

<sup>28</sup> *Id.*

<sup>29</sup> Florida House of Representatives, Government Accountability Act Council, 2009 Legislative Bill Analysis at 5, CS/CS/HB 1209, April 2, 2009, on file with committee staff.

<sup>30</sup> Florida Center for Nursing, *Forecasting Supply, Demand, and Shortage of RNs and LPNs in Florida, 2007-2020*, 6 (July 2008), available at [http://www.flcenterfornursing.org/DigitalLibrary.aspx?Command=Core\\_Download&EntryId=193](http://www.flcenterfornursing.org/DigitalLibrary.aspx?Command=Core_Download&EntryId=193) (last viewed March 13, 2014)

<sup>31</sup> *Id.* at 6.

<sup>32</sup> Florida Center for Nursing, *2008 Nursing Education Program Annual Report and Workforce Survey*, 16 (January 2009), available at [http://www.flcenterfornursing.org/DigitalLibrary.aspx?Command=Core\\_Download&EntryId=8](http://www.flcenterfornursing.org/DigitalLibrary.aspx?Command=Core_Download&EntryId=8) (last viewed March 13, 2014).

<sup>33</sup> Ch. 2009-168, Laws of Fla.

required to publish new programs' applications; program accreditation status, including the accrediting agency; program probationary status; each program's NCLEX passage rate; program's student retention rates; and the national average passage rate for the NCLEX.

The legislation also included an accountability mechanism. Programs without programmatic accreditation that have two consecutive years of national exam passage rates 10 percentage points or more below the national average are placed on probation by the BON.<sup>34</sup> If a program on probation does not achieve the required passage rate for any one calendar year during the two calendar years following its placement on probation, the BON must terminate the program.<sup>35</sup>

The Legislature charged the Office of Program Policy Analysis and Government Accountability (OPPAGA) with conducting a five-year implementation study of the effects of the 2009 changes.<sup>36</sup> OPPAGA issued a report in 2014, which found that the changes to the nursing program approval process led to rapid increases in the number of approved programs and available seats for students. Since 2009, 231 new programs have been approved, and over 29,500 seats have been added.<sup>37</sup> From academic years 2008-2009 to 2012-2013, the number of graduating students increased by 30 percent.<sup>38</sup> However, most of the programs approved after 2009 had poor passage rates on the NCLEX. Of the programs approved since 2009, 73 percent had exam passage rates 10 percent below the national average passing rate.<sup>39</sup>

### Nursing Education Program Accreditation

Accreditation is a voluntary process by which a non-governmental entity reviews and recognizes educational institutions or programs that meet or exceed standards for educational quality.<sup>40</sup> Accreditation is designed to distinguish schools adhering to a set of educational standards.<sup>41</sup> Nursing programs in Florida fall into one of the following accreditation categories:

- Programmatic accreditation;
- Broader institutional accreditation;
- Both programmatic accreditation and institutional accreditation; and
- Neither the program nor the institution is accredited.

The process for obtaining accreditation generally requires the following: an application, fees, a self-evaluation report, a peer review site visit, and a detailed analysis of materials and reviewer findings. Once accreditation is obtained, programs are subject to ongoing review, periodic site visits, and continuing accreditation fees.<sup>42</sup>

The United States Secretary of Education recognizes two accrediting agencies for nursing program accreditation, the Accreditation Commission for Education in Nursing (ACEN) and the Commission on Collegiate Nursing Education (CCNE).<sup>43</sup> Obtaining initial accreditation is an involved process. CCNE

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<sup>34</sup> Accredited programs are exempt from the accountability provision. Section 464.019(10), F.S.

<sup>35</sup> Section 464.019(6), F.S.

<sup>36</sup> Office of Program Policy and Government Accountability, Florida Legislature, *Florida's Nursing Education Programs Continued to Expand in 2013, While Licensure Exams Passage Rates of New Programs Declined*, Report No. 14-03 at 1, available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1403rpt.pdf> (last visited Mar. 12, 2014).

<sup>37</sup> *Id.* at 3-4. Only 112 of the newly approved programs had graduates take the 2013 NCLEX. *Id.* at 7.

<sup>38</sup> *Id.* at 6.

<sup>39</sup> *Id.* at 7.

<sup>40</sup> Accreditation Commission for Education in Nursing, *Accreditation Manual*, 1, (July 31, 2013), available at <http://www.acenursing.net/manuals/GeneralInformation.pdf> (last visited Mar. 12, 2014).

<sup>41</sup> AdvancedEd, *What Is Accreditation?*, available at <http://www.advanc-ed.org/what-accreditation> (last visited Mar. 12, 2014).

<sup>42</sup> Accreditation Commission for Education in Nursing, *Accreditation Manual*, *supra* note 38 at 13.

<sup>43</sup> United States Department of Education, *Specialized Accrediting Agencies*, [https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg7.html](https://www2.ed.gov/admins/finaid/accred/accreditation_pg7.html) (last visited Mar. 12, 2014).

requires nursing programs to have students enrolled at least one year before applying.<sup>44</sup> Both ACEN and CCNE require programs to complete the accreditation process within two years.<sup>45</sup> CCNE requires that the institution be accredited by an institutional accrediting agency recognized by the U.S. Secretary of Education.<sup>46</sup>

CCNE charges the following fees:<sup>47</sup>

- \$3,500 new applicant fee per program;
- \$1,750 evaluation fee per evaluation team member (typically, 3 - 5 members); and
- \$2,468 annual fee to maintain accreditation.

ACEN charges the following fees:

- \$2,500 candidacy fee;
- \$1,000 review fee for initial or continuing accreditation (per program); and
- \$835 site visit fee per evaluator per day.

Institutional accreditation applies to the entire institution and is not program specific. For example, the Southern Association of Colleges and Schools Council on Accreditation and School Improvement accredits almost seventy institutions that provide nursing programs, including all of the schools in the Florida university system.<sup>48</sup> At present, all schools that have nursing program accreditation also have institutional accreditation. However, not all schools with institutional accreditation have nursing program accreditation. Fifty-six nursing programs with only institutional accreditation had students take the 2013 NCLEX.<sup>49</sup>

There currently is no requirement to be accredited in order to become an approved nursing program. In 2013, eleven schools with neither nursing program accreditation nor institutional accreditation had students take the 2013 NCLEX.<sup>50</sup>

#### 2013 RN Education Programs National Exam Results by Accreditation Type

The charts below show by accreditation type the number of RN nursing programs that exceeded the NCLEX national average passage rate for first time test takers in 2013. The charts also illustrate the number of programs that were within or below 10 percent of the national passage rate.<sup>51</sup>

<sup>44</sup> Commission on Collegiate Nursing Education, *Procedures for Accreditation of Baccalaureate and Graduate Degree Nursing Programs* at 7 (April 28, 2012), available at <http://www.aacn.nche.edu/ccne-accreditation/procedures.pdf> (last visited Mar. 12, 2014).

<sup>45</sup> *Id.* at 6. Accreditation Commission for Education in Nursing, *Accreditation Manual*, *supra* note 38 at 13.

<sup>46</sup> Commission on Collegiate Nursing Education, *Baccalaureate & Graduate Nursing Programs*, available at <http://www.aacn.nche.edu/ccne-accreditation/new-applicant-process/baccalaureate-graduate> (last visited Mar. 20, 2014).

<sup>47</sup> Commission on Collegiate Nursing Education, *CCNE Fee Structure Nursing Education Programs*, available at <http://www.aacn.nche.edu/ccne-accreditation/FEESTR.pdf> (last visited Mar. 12, 2014).

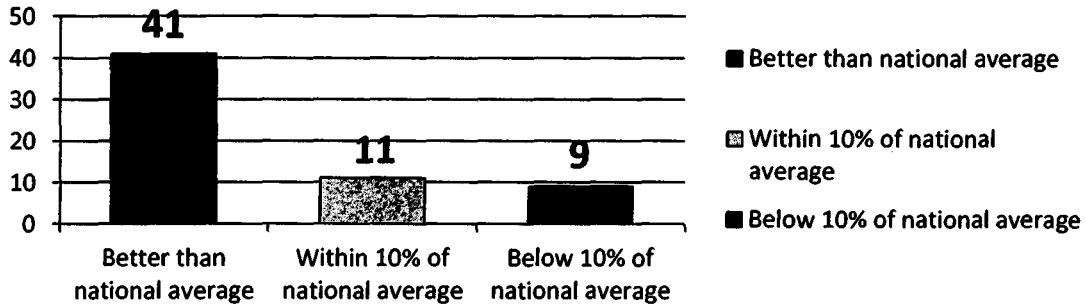
<sup>48</sup> Data retrieved from Florida Department of Health, *Compare Florida Prelicensure Nursing Education Programs*, available at <http://www2.doh.state.fl.us/MQANEP/PC/SearchCriteria.aspx> (last visited Mar. 12, 2014).

<sup>49</sup> *Id.*

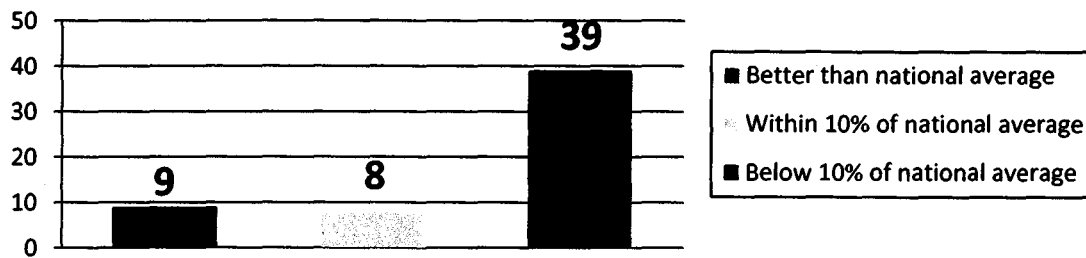
<sup>50</sup> *Id.*

<sup>51</sup> Charts created from data available from the DOH and the 2013 nursing education OPPAGA report. See Florida Department of Health, *Compare Florida Prelicensure Nursing Education Programs*, *supra* note 46; Office of Program Policy and Government Accountability, Florida Legislature, *Florida's Nursing Education Programs Continued to Expand in 2013, While Licensure Exams Passage Rates of New Programs Declined*, *supra* note 34. Charts only include schools with more than one test taker.

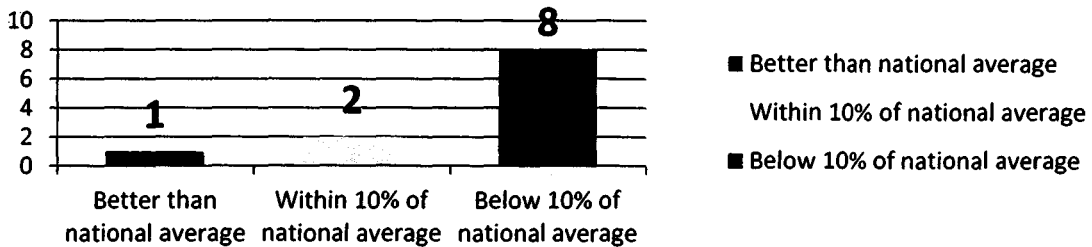
**2013 RN National Exam Results, Number of RN Programs  
Institution and Program Accredited**



**2013 RN National Exam Results, Number of RN Programs  
Institution Only Accredited**



**2013 RN National Exam Results, Number of RN Programs  
Institution and Program Unaccredited**



**Effect of Proposed Changes**

The bill amends s. 464.019, F.S., to require all nursing education programs that prepare students for the practice of professional nursing to be accredited by a specialized nursing accrediting agency that is nationally recognized by the United States Secretary of Education, with the exception of a nursing education program statutorily authorized by s. 1005.06(1)(e), F.S.<sup>52</sup> The bill requires RN nursing education programs to obtain program accreditation by July 19, 2019 or within 5 years after the date of enrollment of the program's first students. The following requirements for approved programs are not applicable to accredited programs:

<sup>52</sup> Only Pensacola Christian College and Landmark Baptist College qualify for this exception. Pensacola Christian College has a professional nursing education program, but Landmark Baptist College does not offer a nursing program.

- Documenting with the DOH compliance with faculty qualifications, clinical training requirements, faculty-to-student ratios, signed agreements with clinical training sites in the curriculum plan, and curriculum and instruction requirements;
- Clinical training minimums;
- Clinical simulation limitations;
- Annual reports to the BON;
- Publication of the accredited program's application documentation and student retention rates on the BON website; and
- Probation for NCLEX passage rates 10 percentage points below the national average.

The bill requires accredited program's accreditation status and graduate NCLEX passage rates to be published on the BON website.

The bill revises the definition of "clinical training" to include clinical simulation and increases the authorized amount of clinical simulation training from 25 percent to 50 percent. The bill requires the clinical training portion of a nursing major curriculum to occur in the United States, the District of Columbia, or a possession or territory of the United States. The bill revises the definition of "practical nursing" to include teaching of general principles of health and wellness to the public and to students other than nursing students.

The bill amends s. 464.013, F.S., to exempt nurses with specialty health care certification from a program accredited by the National Commission for Certifying Agencies or the Accreditation Board for Specialty Nursing Certification from continuing education required at biennial license renewal.

The bill provides the Board of Nursing the authority to adopt rules relating to documenting the accreditation of nursing education programs. The bill requires the education policy area of OPPAGA to continue submitting annual implementation reports through January 30, 2020.

The bill repeals obsolete language in s. 464.019, F.S., related to the status of certain programs during the transition to the new program approval process effective July 1, 2009.

The bill amends s. 456.014 F.S., to conform a cross-reference.

The bill provides an effective date of July 1, 2014.

## B. SECTION DIRECTORY:

**Section 1.** Amends s. 464.003, F.S., relating to nursing definitions.

**Section 2.** Amends s. 464.013, F.S., relating to renewal of license or certificate.

**Section 3.** Amends s. 464.019, F.S., relating to approval of nursing education programs.

**Section 4.** Amends s. 456.014, F.S., relating to public inspection of information required from applicants; exceptions; examination hearing.

**Section 5.** Provides an effective date of July 1, 2014.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

2. Expenditures:

The DOH anticipates non-recurring costs for rule-making and workload to revise the nursing application, which can be absorbed by existing resources.<sup>53</sup>

Public colleges that do not currently have nursing program accreditation and are not currently seeking accreditation will incur the additional cost of becoming accredited and ongoing accreditation maintenance costs. ACEN charges an application fee of \$2,500, an initial accreditation or continuing accreditation review fee of \$1,000, and a site visit fee of \$835 per site visit. CCNE charges an application fee of \$3,500, an annual maintenance fee of \$2,468, and an evaluation fee of \$1,750 per evaluation team member (typically, 3 - 5 members). There are currently five Bachelor of Science in nursing programs and three Associate of Science in nursing programs offered at public colleges that have not yet applied for program accreditation.<sup>54</sup>

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private colleges and universities that do not currently have nursing program accreditation will incur the cost of becoming accredited and ongoing accreditation maintenance costs. There are currently 19 bachelor of science RN nursing programs and 120 associate degree RN nursing programs at private institutions that do not have nursing program accreditation.<sup>55</sup>

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides the BON sufficient authority to adopt rules relating to documenting the accreditation of nursing education programs.

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<sup>53</sup> Florida Department of Health, 2014 Agency Legislative Bill Analysis, HB 1059, March 10, 2014, on file with committee staff.

<sup>54</sup> Data retrieved from Florida College System staff, Commission on Collegiate Nursing Education website, and Accreditation Commission for Education in Nursing website accessed May 31, 2014.

<sup>55</sup> Data retrieved from Florida Department of Health, *Compare Florida Prelicensure Nursing Education Programs*, *supra* note 46.

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

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 19, 2014, the Select Committee on Health Care Workforce Innovation adopted an amendment to HB 1059 and reported the bill favorably as a committee substitute. The amendment:

- Adds the Accreditation Board for Specialty Nursing Certification to the named entities for nursing specialty certification accreditation for the purpose of the continuing education exemption in the bill;
- Requires the clinical training portion of a nursing major curriculum to occur in the United States, the District of Columbia, or a possession or territory of the United States;
- Increases from 25 percent to 50 percent the amount of clinical training that may be provided through clinical simulation; and
- Requires the education policy area of OPPAGA to continue submitting annual implementation reports through January 30, 2020.

This analysis is drafted to the committee substitute.





27 | experiences with patients or clients, or clinical simulation of  
 28 | such experiences, which offer the student the opportunity to  
 29 | integrate, apply, and refine specific skills and abilities based  
 30 | on theoretical concepts and scientific principles.

31 | (19) "Practice of practical nursing" means the performance  
 32 | of selected acts, including the administration of treatments and  
 33 | medications, in the care of the ill, injured, or infirm; ~~and~~ the  
 34 | promotion of wellness, maintenance of health, and prevention of  
 35 | illness of others under the direction of a registered nurse, a  
 36 | licensed physician, a licensed osteopathic physician, a licensed  
 37 | podiatric physician, or a licensed dentist; and the teaching of  
 38 | general principles of health and wellness to the public and to  
 39 | students other than nursing students. A practical nurse is  
 40 | responsible and accountable for making decisions that are based  
 41 | upon the individual's educational preparation and experience in  
 42 | nursing.

43 | (23) "Required passage rate" means the graduate passage  
 44 | rate required for an approved program pursuant to s.  
 45 | 464.019(5)(a) ~~464.019(6)(a)~~1.

46 | Section 2. Subsection (3) of section 464.013, Florida  
 47 | Statutes, is amended to read:

48 | 464.013 Renewal of license or certificate.—

49 | (3) The board shall by rule prescribe up to 30 hours of  
 50 | continuing education ~~not to exceed 30 hours~~ biennially as a  
 51 | condition for renewal of a license or certificate. A nurse who  
 52 | is certified by a health care specialty program accredited by

53 | the National Commission for Certifying Agencies or the  
 54 | Accreditation Board for Specialty Nursing Certification is  
 55 | exempt from continuing education requirements. The criteria for  
 56 | programs shall be approved by the board.

57 | Section 3. Section 464.019, Florida Statutes, is amended  
 58 | to read:

59 | 464.019 Approval of nursing education programs.—

60 | (1) PROGRAM APPLICATION APPLICATIONS.—An educational  
 61 | institution that wishes to conduct a program in this state for  
 62 | the prelicensure education of professional or practical nurses  
 63 | must submit to the department a program application and review  
 64 | fee of \$1,000 for each prelicensure nursing education program to  
 65 | be offered at the institution's main campus, branch campus, or  
 66 | other instructional site. The ~~Each~~ program application must  
 67 | include the legal name of the educational institution, the legal  
 68 | name of the nursing education program, and, if such institution  
 69 | ~~program~~ is accredited by an accrediting agency other than an  
 70 | ~~accrediting agency described in s. 464.003(1)~~, the name of the  
 71 | accrediting agency. The application must also document that:

72 | (a)1. For a professional nursing education program, the  
 73 | program director and at least 50 percent of the program's  
 74 | faculty members are registered nurses who have a master's or  
 75 | higher degree in nursing or a bachelor's degree in nursing and a  
 76 | master's or higher degree in a field related to nursing.

77 | 2. For a practical nursing education program, the program  
 78 | director and at least 50 percent of the program's faculty

79 members are registered nurses who have a bachelor's or higher  
 80 degree in nursing.

81  
 82 The educational degree requirements of this paragraph may be  
 83 documented by an official transcript or by a written statement  
 84 from the educational institution verifying that the institution  
 85 conferred the degree.

86 (b) The program's nursing major curriculum consists of at  
 87 least:

88 1. Fifty percent clinical training in the United States,  
 89 the District of Columbia, or a possession or territory of the  
 90 United States for a practical nursing education program, an  
 91 associate degree professional nursing education program, or a  
 92 professional diploma nursing education program.

93 2. Forty percent clinical training in the United States,  
 94 the District of Columbia, or a possession or territory of the  
 95 United States for a bachelor's degree professional nursing  
 96 education program.

97 (c) No more than 50 ~~25~~ percent of the program's clinical  
 98 training consists of clinical simulation.

99 (d) The program has signed agreements with each agency,  
 100 facility, and organization included in the curriculum plan as  
 101 clinical training sites and community-based clinical experience  
 102 sites.

103 (e) The program has written policies for faculty which  
 104 include provisions for direct or indirect supervision by program

105 | faculty or clinical preceptors for students in clinical training  
 106 | consistent with the following standards:

107 |       1. The number of program faculty members equals at least  
 108 | one faculty member directly supervising every 12 students unless  
 109 | the written agreement between the program and the agency,  
 110 | facility, or organization providing clinical training sites  
 111 | allows more students, not to exceed 18 students, to be directly  
 112 | supervised by one program faculty member.

113 |       2. For a hospital setting, indirect supervision may occur  
 114 | only if there is direct supervision by an assigned clinical  
 115 | preceptor, a supervising program faculty member is available by  
 116 | telephone, and such arrangement is approved by the clinical  
 117 | facility.

118 |       3. For community-based clinical experiences that involve  
 119 | student participation in invasive or complex nursing activities,  
 120 | students must be directly supervised by a program faculty member  
 121 | or clinical preceptor and such arrangement must be approved by  
 122 | the community-based clinical facility.

123 |       4. For community-based clinical experiences not subject to  
 124 | subparagraph 3., indirect supervision may occur only when a  
 125 | supervising program faculty member is available to the student  
 126 | by telephone.

127 |

128 | A program's policies established under this paragraph must  
 129 | require that a clinical preceptor who is,~~if~~ supervising  
 130 | students in a professional nursing education program,~~to~~ be a

131 registered nurse or, if supervising students in a practical  
 132 nursing education program, ~~to~~ be a registered nurse or licensed  
 133 practical nurse.

134 (f) The professional or practical nursing curriculum plan  
 135 documents clinical experience and theoretical instruction in  
 136 medical, surgical, obstetric, pediatric, and geriatric nursing.  
 137 A professional nursing curriculum plan shall also document  
 138 clinical experience and theoretical instruction in psychiatric  
 139 nursing. Each curriculum plan must document clinical training  
 140 experience in appropriate settings that include, but are not  
 141 limited to, acute care, long-term care, and community settings.

142 (g) The professional or practical nursing education  
 143 program provides theoretical instruction and clinical  
 144 application in personal, family, and community health concepts;  
 145 nutrition; human growth and development throughout the life  
 146 span; body structure and function; interpersonal relationship  
 147 skills; mental health concepts; pharmacology and administration  
 148 of medications; and legal aspects of practice. A professional  
 149 nursing education program must ~~shall~~ also provide theoretical  
 150 instruction and clinical application in interpersonal  
 151 relationships and leadership skills; professional role and  
 152 function; and health teaching and counseling skills.

153 (2) PROGRAM APPROVAL.—

154 (a) Upon receipt of a program application and review fee,  
 155 the department shall examine the application to determine if  
 156 ~~whether~~ it is complete. If the ~~a~~ ~~program~~ application is not

157 complete, the department shall notify the educational  
 158 institution in writing of any errors or omissions within 30 days  
 159 after the department's receipt of the application. A program  
 160 application is deemed complete upon the department's receipt of:

161 1. The initial application, if the department does not  
 162 notify the educational institution of any errors or omissions  
 163 within the 30-day period; or

164 2. A revised application that corrects each error and  
 165 omission of which the department notifies the educational  
 166 institution within the 30-day period.

167 (b) Within 90 days after the department's receipt of a  
 168 complete program application, the board shall:

169 1. Approve the application if it documents compliance with  
 170 subsection (1) ~~paragraphs (1)(a)-(g)~~; or

171 2. Provide the educational institution with a notice of  
 172 intent to deny the application if it does not document  
 173 compliance with subsection (1) ~~paragraphs (1)(a)-(g)~~. The notice  
 174 must specify ~~set forth~~ written reasons for the board's denial of  
 175 the application. The board may not deny a program application  
 176 because of an educational institution's failure to correct an  
 177 ~~any~~ error or omission that ~~of which~~ the department failed to  
 178 provide notice of to ~~does not notify~~ the institution within the  
 179 30-day notice period under paragraph (a). The educational  
 180 institution may request a hearing on the notice of intent to  
 181 deny the program application pursuant to chapter 120.

182 (c) A program application is deemed approved if the board

183 does not act within the 90-day review period provided under  
 184 paragraph (b).

185 (d) Upon the board's approval of a program application,  
 186 the program becomes an approved program.

187 ~~(3) STATUS OF CERTAIN PROGRAMS. A professional or~~  
 188 ~~practical nursing education program becomes an approved program~~  
 189 ~~if, as of June 30, 2009, the program:~~

190 ~~(a) Has full or provisional approval from the board or,~~  
 191 ~~except as provided in paragraph (b), is on probationary status.~~

192 ~~(b) Is on probationary status because the program did not~~  
 193 ~~meet the board's requirement for graduate passage rates. Such~~  
 194 ~~program shall remain on probationary status until it achieves a~~  
 195 ~~graduate passage rate for calendar year 2009 or 2010 that equals~~  
 196 ~~or exceeds the required passage rate for the respective calendar~~  
 197 ~~year and must disclose its probationary status in writing to the~~  
 198 ~~program's students and applicants. If the program does not~~  
 199 ~~achieve the required passage rate, the board shall terminate the~~  
 200 ~~program pursuant to chapter 120.~~

201 (3) ~~(4)~~ ANNUAL REPORT.—By November 1 of each year, each  
 202 approved program shall submit to the board an annual report  
 203 comprised of an affidavit certifying continued compliance with  
 204 subsection (1) ~~paragraphs (1)(a)–(g)~~, a summary description of  
 205 the program's compliance with subsection (1) ~~paragraphs (1)(a)–~~  
 206 ~~(g)~~, and documentation for the previous academic year that, to  
 207 the extent applicable, describes ~~sets forth~~:

208 (a) The number of student applications received, qualified

209 applicants, applicants accepted, accepted applicants who enroll  
 210 in the program, students enrolled in the program, and program  
 211 graduates.

212 (b) The program's retention rates for students tracked  
 213 from program entry to graduation.

214 (c) The program's accreditation status, including  
 215 identification of the accrediting agency ~~if such agency is not~~  
 216 ~~an accrediting agency described in s. 464.003(1).~~

217 (4) ~~(5)~~ INTERNET WEBSITE. ~~By October 1, 2010,~~ The board  
 218 shall publish the following information on its Internet website:

219 (a) A list of each accredited program conducted in the  
 220 state and the program's graduate passage rates for the most  
 221 recent 2 calendar years, which the department shall determine  
 222 through the following sources:

223 1. For a program's accreditation status, the specialized  
 224 accrediting agencies that are nationally recognized by the  
 225 United States Secretary of Education to accredit nursing  
 226 education programs.

227 2. For a program's graduate passage rates, the contract  
 228 testing service of the National Council of State Boards of  
 229 Nursing.

230 (b) The following data for each approved program, which  
 231 includes ~~shall include~~, to the extent applicable:

232 1. All documentation provided by the program in its  
 233 program application if submitted on or after July 1, 2009.

234 2. The summary description of the program's compliance



235 submitted under subsection (3) ~~(4)~~.

236 3. The program's accreditation status, including  
 237 identification of the accrediting agency ~~if such agency is not~~  
 238 ~~an accrediting agency described in s. 464.003(1)~~.

239 4. The program's probationary status.

240 5. The program's graduate passage rates for the most  
 241 recent 2 calendar years.

242 6. Each program's retention rates for students tracked  
 243 from program entry to graduation.

244 (c) The average passage rates for United States educated  
 245 first-time test takers on the National Council of State Boards  
 246 of Nursing Licensing Examination for the most recent 2 calendar  
 247 years, as calculated by the contract testing service of the  
 248 National Council of State Boards of Nursing. The average passage  
 249 rates shall be published separately for each type of comparable  
 250 degree program listed in subparagraph (5) (a)1. ~~sub-subparagraphs~~  
 251 ~~(6) (a)1.a.-d.~~

252  
 253 The information required to be published under this subsection  
 254 shall be made available in a manner that allows interactive  
 255 searches and comparisons of individual programs selected by the  
 256 website user. The board shall update the Internet website at  
 257 least quarterly with the available information.

258 (5) ~~(6)~~ ACCOUNTABILITY.—

259 (a)1. An approved program must achieve a graduate passage  
 260 rate that is not more ~~lower~~ than 10 percentage points lower ~~less~~

261 than the average passage rate during the same calendar year for  
 262 graduates of comparable degree programs who are United States  
 263 educated, first-time test takers on the National Council of  
 264 State Boards of Nursing Licensing Examination ~~during a calendar~~  
 265 ~~year~~, as calculated by the contract testing service of the  
 266 National Council of State Boards of Nursing. For purposes of  
 267 this subparagraph, an approved program is comparable to all  
 268 degree programs of the same program type from among the  
 269 following program types:

270 a. Professional nursing education programs that terminate  
 271 in a bachelor's degree.

272 b. Professional nursing education programs that terminate  
 273 in an associate degree.

274 c. Professional nursing education programs that terminate  
 275 in a diploma.

276 d. Practical nursing education programs.

277 2. Beginning with graduate passage rates for calendar year  
 278 2010, if an approved program's graduate passage rates do not  
 279 equal or exceed the required passage rates for 2 consecutive  
 280 calendar years, the board shall place the program on  
 281 probationary status pursuant to chapter 120 and the program  
 282 director shall ~~must~~ appear before the board to present a plan  
 283 for remediation. The program must ~~shall~~ remain on probationary  
 284 status until it achieves a graduate passage rate that equals or  
 285 exceeds the required passage rate for any 1 calendar year. The  
 286 board shall deny a program application for a new prelicensure

287 nursing education program submitted by an educational  
 288 institution if the institution has an existing program that is  
 289 already on probationary status.

290 3. Upon the program's achievement of a graduate passage  
 291 rate that equals or exceeds the required passage rate, the  
 292 board, at its next regularly scheduled meeting following release  
 293 of the program's graduate passage rate by the National Council  
 294 of State Boards of Nursing, shall remove the program's  
 295 probationary status. However, if the program, during the 2  
 296 calendar years following its placement on probationary status,  
 297 does not achieve the required passage rate for any 1 calendar  
 298 year, the board shall terminate the program pursuant to chapter  
 299 120.

300 (b) If an approved program fails to submit the annual  
 301 report required in subsection (3) ~~(4)~~, the board shall notify  
 302 the program director and president or chief executive officer of  
 303 the educational institution in writing within 15 days after the  
 304 due date of the annual report. The program director shall ~~must~~  
 305 appear before the board at the board's next regularly scheduled  
 306 meeting to explain the reason for the delay. The board shall  
 307 terminate the program pursuant to chapter 120 if it does not  
 308 submit the annual report within 6 months after the due date.

309 (c) An approved program on probationary status shall  
 310 disclose its probationary status in writing to the program's  
 311 students and applicants.

312 (6) ~~(7)~~ DISCLOSURE OF GRADUATE PASSAGE RATE DATA.—

313 (a) For each graduate of the program ~~an approved program's~~  
 314 ~~or accredited program's graduates~~ included in the calculation of  
 315 the program's graduate passage rate, the department shall  
 316 disclose to the program director, upon his or her written  
 317 request, the name, examination date, and determination of  
 318 whether each graduate passed or failed the National Council of  
 319 ~~for~~ State Boards of Nursing Licensing Examination, if to the  
 320 ~~extent that~~ such information is provided to the department by  
 321 the contract testing service of the National Council of ~~for~~  
 322 State Boards of Nursing. The written request must specify the  
 323 calendar years for which the information is requested.

324 (b) A program director to whom confidential information  
 325 exempt from public disclosure pursuant to s. 456.014 is  
 326 disclosed under this subsection must maintain the  
 327 confidentiality of the information and is subject to the same  
 328 penalties provided in s. 456.082 for department employees who  
 329 unlawfully disclose confidential information.

330 (7)(8) PROGRAM CLOSURE.—

331 (a) An educational institution conducting an approved  
 332 program or accredited program in this state, at least 30 days  
 333 before voluntarily closing the program, shall notify the board  
 334 in writing of the institution's reason for closing the program,  
 335 the intended closure date, the institution's plan to provide for  
 336 or assist in the completion of training by the program's  
 337 students, and the arrangements for storage of the program's  
 338 permanent records.

339 (b) An educational institution conducting a nursing  
 340 education program that is terminated under subsection (5) ~~(6)~~ or  
 341 closed under subparagraph (9)(b)3. ~~(10)(b)3.~~:

- 342 1. May not accept or enroll new students.
- 343 2. Shall ~~Must~~ submit to the board within 30 days after the  
 344 program is terminated or closed a written description of how the  
 345 institution will assist in completing the ~~completion of~~ training  
 346 of ~~by~~ the program's students and the institution's arrangements  
 347 for storage of the program's permanent records.

348 (c) If an educational institution does not comply with  
 349 paragraph (a) or paragraph (b), the board shall provide a  
 350 written notice explaining the institution's noncompliance to the  
 351 following persons and entities:

- 352 1. The president or chief executive officer of the  
 353 educational institution.
- 354 2. The Board of Governors, if the program is conducted by  
 355 a state university.
- 356 3. The district school board, if the program is conducted  
 357 by an educational institution operated by a school district.
- 358 4. The Commission for Independent Education, if the  
 359 program is conducted by an educational institution licensed  
 360 under chapter 1005.
- 361 5. The State Board of Education, if the program is  
 362 conducted by an educational institution in the Florida College  
 363 System or by an educational institution that is not subject to  
 364 subparagraphs 2.-4.

365        ~~(8)-(9)~~ RULEMAKING.—The board does not have ~~any~~ rulemaking  
 366 authority to administer this section, except that the board  
 367 shall adopt rules ~~a rule~~ that prescribe ~~prescribes~~ the format  
 368 for submitting program applications under subsection (1) and  
 369 annual reports under subsection (3), and to administer the  
 370 documentation of the accreditation of nursing education programs  
 371 under subsection (11) ~~(4)~~. The board may not impose any  
 372 condition or requirement on an educational institution  
 373 submitting a program application, an approved program, or an  
 374 accredited program, except as expressly provided in this  
 375 section. ~~The board shall repeal all rules, or portions thereof,~~  
 376 ~~in existence on July 1, 2009, that are inconsistent with this~~  
 377 ~~subsection.~~

378        ~~(9)-(10)~~ APPLICABILITY TO ACCREDITED PROGRAMS.—

379        (a) Subsections (1)-(3) ~~(1)-(4)~~, paragraph (4)(b) ~~(5)(b)~~,  
 380 and subsection (5) ~~(6)~~ do not apply to an accredited program. ~~An~~  
 381 ~~accredited program on probationary status before July 1, 2010,~~  
 382 ~~ceases to be subject to the probationary status.~~

383        (b) If an accredited program ceases to be accredited, the  
 384 educational institution conducting the program:

385            1. Within 10 business days after the program ceases to be  
 386 accredited, must provide written notice of the date that the  
 387 program ceased to be accredited to the board, the program's  
 388 students and applicants, and each entity providing clinical  
 389 training sites or community-based clinical experience sites for  
 390 the program. The educational institution must continue to

391 provide the written notice to new students, applicants, and  
 392 entities providing clinical training sites or community-based  
 393 clinical experience sites for the program until the program  
 394 becomes an approved program or is closed under subparagraph 3.

395 2. Within 30 days after the program ceases to be  
 396 accredited, must submit an affidavit to the board, signed by the  
 397 educational institution's president or chief executive officer  
 398 which, ~~that~~ certifies the institution's compliance with  
 399 subparagraph 1. The board shall notify the persons and  
 400 applicable entities listed in paragraph (7)(c) ~~subparagraph~~  
 401 ~~(8)(c)1. and the applicable entities listed in subparagraphs~~  
 402 ~~(8)(c)2. 5.~~ if an educational institution does not submit the  
 403 affidavit required by this subparagraph.

404 3. May apply to become an approved program under this  
 405 section. If the educational institution:

406 a. Within 30 days after the program ceases to be  
 407 accredited, submits a program application and review fee to the  
 408 department under subsection (1) and the affidavit required under  
 409 subparagraph 2., the program shall be deemed an approved program  
 410 from the date that the program ceased to be accredited until the  
 411 date that the board approves or denies the program application.  
 412 The program application must be denied by the board pursuant to  
 413 chapter 120 if it does not contain the affidavit. If the board  
 414 denies the program application under subsection (2) or if  
 415 ~~because~~ the program application does not contain the affidavit,  
 416 the program shall be closed and the educational institution

417 | conducting the program must comply with paragraph (7) (b) ~~(8) (b)~~.

418 |       b. Does not apply to become an approved program pursuant  
 419 | to sub-subparagraph a., the program shall be deemed an approved  
 420 | program from the date ~~that~~ the program ceased to be accredited  
 421 | until the 31st day after that date. On the 31st day after the  
 422 | program ceased to be accredited, the program shall be closed and  
 423 | the educational institution conducting the program must comply  
 424 | with paragraph (7) (b) ~~(8) (b)~~.

425 |       (10) ~~(11)~~ IMPLEMENTATION STUDY.—The Florida Center for  
 426 | Nursing and the education policy area of the Office of Program  
 427 | Policy Analysis and Government Accountability shall study the ~~5-~~  
 428 | ~~year~~ administration of this section and submit reports to the  
 429 | Governor, the President of the Senate, and the Speaker of the  
 430 | House of Representatives annually by January 30, ~~2011, and~~  
 431 | ~~annually thereafter~~ through January 30, 2020 ~~2015~~. The annual  
 432 | reports shall address the previous academic year; provide ~~set~~  
 433 | ~~forth~~ data on the measures specified in paragraphs (a) and (b),  
 434 | as such data becomes available; and include an evaluation of  
 435 | such data for purposes of determining whether this section is  
 436 | increasing the availability of nursing education programs and  
 437 | the production of quality nurses. The department and each  
 438 | approved program or accredited program shall comply with  
 439 | requests for data from the Florida Center for Nursing and the  
 440 | education policy area of the Office of Program Policy Analysis  
 441 | and Government Accountability.

442 |       (a) The education policy area of the Office of Program



443 Policy Analysis and Government Accountability shall evaluate  
 444 program-specific data for each approved program and accredited  
 445 program conducted in the state, including, but not limited to:  
 446 1. The number of programs and student slots available.  
 447 2. The number of student applications submitted, the  
 448 number of qualified applicants, and the number of students  
 449 accepted.  
 450 3. The number of program graduates.  
 451 4. Program retention rates of students tracked from  
 452 program entry to graduation.  
 453 5. Graduate passage rates on the National Council of State  
 454 Boards of Nursing Licensing Examination.  
 455 6. The number of graduates who become employed as  
 456 practical or professional nurses in the state.  
 457 (b) The Florida Center for Nursing shall evaluate the  
 458 board's implementation of the:  
 459 1. Program application approval process, including, but  
 460 not limited to, the number of program applications submitted  
 461 under subsection (1); the number of program applications  
 462 approved and denied by the board under subsection (2); the  
 463 number of denials of program applications reviewed under chapter  
 464 120; and a description of the outcomes of those reviews.  
 465 2. Accountability processes, including, but not limited  
 466 to, the number of programs on probationary status, the number of  
 467 approved programs for which the program director is required to  
 468 appear before the board under subsection (5) ~~(6)~~, the number of

469 approved programs terminated by the board, the number of  
 470 terminations reviewed under chapter 120, and a description of  
 471 the outcomes of those reviews.

472 (c) For any state fiscal year in which the Florida Center  
 473 for Nursing does not receive legislative appropriations, the  
 474 education policy area of the Office of Program Policy Analysis  
 475 and Government Accountability shall perform the duties assigned  
 476 by this subsection to the Florida Center for Nursing.

477 (11) ACCREDITATION REQUIRED.—

478 (a) A nursing education program that prepares students for  
 479 the practice of professional nursing, that was approved under  
 480 this section before July 1, 2014, and that enrolled students  
 481 before July 1, 2014, must become an accredited program by July  
 482 1, 2019.

483 (b) A nursing education program that prepares students for  
 484 the practice of professional nursing and that was approved under  
 485 this section before July 1, 2014, but did not enroll students  
 486 before that date, must become an accredited program within 5  
 487 years after the date of enrolling the program's first students.

488 (c) A nursing education program that prepares students for  
 489 the practice of professional nursing and that is approved under  
 490 this section after June 30, 2014, must become an accredited  
 491 program within 5 years after the date of enrolling the program's  
 492 first students.

493 (d) This subsection does not apply to a nursing education  
 494 program provided by an institution that is exempt from licensure

495 | by the Commission for Independent Education under s.  
 496 | 1005.06(1)(e).

497 | Section 4. Subsection (1) of section 456.014, Florida  
 498 | Statutes, is amended to read:

499 | 456.014 Public inspection of information required from  
 500 | applicants; exceptions; examination hearing.—

501 | (1) All information required by the department of any  
 502 | applicant shall be a public record and shall be open to public  
 503 | inspection pursuant to s. 119.07, except financial information,  
 504 | medical information, school transcripts, examination questions,  
 505 | answers, papers, grades, and grading keys, which are  
 506 | confidential and exempt from s. 119.07(1) and shall not be  
 507 | discussed with or made accessible to anyone except the program  
 508 | director of an approved program or accredited program as  
 509 | provided in s. 464.019(6) ~~464.019(7)~~, members of the board, the  
 510 | department, and staff thereof, who have a bona fide need to know  
 511 | such information. Any information supplied to the department by  
 512 | any other agency which is exempt from the provisions of chapter  
 513 | 119 or is confidential shall remain exempt or confidential  
 514 | pursuant to applicable law while in the custody of the  
 515 | department or the agency.

516 | Section 5. This act shall take effect July 1, 2014.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1059 (2014)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

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1 Committee/Subcommittee hearing bill: Education Appropriations  
2 Subcommittee

3 Representative Fresen offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove lines 46-299 and insert:

7 Section 2. Subsection (4) is added to section 464.008,  
8 Florida Statutes, to read:

9 464.008 Licensure by examination.—

10 (4) If an applicant who graduates from an approved program  
11 does not take the licensure examination within 6 months after  
12 graduation, he or she must enroll in and successfully complete a  
13 board-approved licensure examination preparatory course. The  
14 applicant is responsible for all costs associated with the  
15 course and may not use state or federal financial aid for such  
16 costs. The board shall by rule establish guidelines for  
17 licensure examination preparatory courses.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1059 (2014)

Amendment No. 1

18 Section 3. Subsection (3) of section 464.013, Florida  
19 Statutes, is amended to read:

20 464.013 Renewal of license or certificate.—

21 (3) The board shall by rule prescribe up to 30 hours of  
22 continuing education not to exceed 30 hours biennially as a  
23 condition for renewal of a license or certificate. A nurse who  
24 is certified by a health care specialty program accredited by  
25 the National Commission for Certifying Agencies or the  
26 Accreditation Board for Specialty Nursing Certification is  
27 exempt from continuing education requirements. The criteria for  
28 programs shall be approved by the board.

29 Section 4. Section 464.019, Florida Statutes, is amended  
30 to read:

31 464.019 Approval of nursing education programs.—

32 (1) PROGRAM APPLICATION APPLICATIONS.—An educational  
33 institution that wishes to conduct a program in this state for  
34 the prelicensure education of professional or practical nurses  
35 must submit to the department a program application and review  
36 fee of \$1,000 for each prelicensure nursing education program to  
37 be offered at the institution's main campus, branch campus, or  
38 other instructional site. The Each program application must  
39 include the legal name of the educational institution, the legal  
40 name of the nursing education program, and, if such institution  
41 program is accredited by ~~an accrediting agency other than an~~  
42 ~~accrediting agency described in s. 464.003(1)~~, the name of the  
43 accrediting agency. The application must also document that:

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1059 (2014)

Amendment No. 1

44 (a)1. For a professional nursing education program, the  
45 program director and at least 50 percent of the program's  
46 faculty members are registered nurses who have a master's or  
47 higher degree in nursing or a bachelor's degree in nursing and a  
48 master's or higher degree in a field related to nursing.

49 2. For a practical nursing education program, the program  
50 director and at least 50 percent of the program's faculty  
51 members are registered nurses who have a bachelor's or higher  
52 degree in nursing.

53

54 The educational degree requirements of this paragraph may be  
55 documented by an official transcript or by a written statement  
56 from the educational institution verifying that the institution  
57 conferred the degree.

58 (b) The program's nursing major curriculum consists of at  
59 least:

60 1. Fifty percent clinical training in the United States,  
61 the District of Columbia, or a possession or territory of the  
62 United States for a practical nursing education program, an  
63 associate degree professional nursing education program, or a  
64 professional diploma nursing education program.

65 2. Forty percent clinical training in the United States,  
66 the District of Columbia, or a possession or territory of the  
67 United States for a bachelor's degree professional nursing  
68 education program.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1059 (2014)

Amendment No. 1

69 (c) No more than 50 25 percent of the program's clinical  
70 training consists of clinical simulation.

71 (d) The program has signed agreements with each agency,  
72 facility, and organization included in the curriculum plan as  
73 clinical training sites and community-based clinical experience  
74 sites.

75 (e) The program has written policies for faculty which  
76 include provisions for direct or indirect supervision by program  
77 faculty or clinical preceptors for students in clinical training  
78 consistent with the following standards:

79 1. The number of program faculty members equals at least  
80 one faculty member directly supervising every 12 students unless  
81 the written agreement between the program and the agency,  
82 facility, or organization providing clinical training sites  
83 allows more students, not to exceed 18 students, to be directly  
84 supervised by one program faculty member.

85 2. For a hospital setting, indirect supervision may occur  
86 only if there is direct supervision by an assigned clinical  
87 preceptor, a supervising program faculty member is available by  
88 telephone, and such arrangement is approved by the clinical  
89 facility.

90 3. For community-based clinical experiences that involve  
91 student participation in invasive or complex nursing activities,  
92 students must be directly supervised by a program faculty member  
93 or clinical preceptor and such arrangement must be approved by  
94 the community-based clinical facility.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1059 (2014)

Amendment No. 1

95 4. For community-based clinical experiences not subject to  
96 subparagraph 3., indirect supervision may occur only when a  
97 supervising program faculty member is available to the student  
98 by telephone.

99  
100 A program's policies established under this paragraph must  
101 require that a clinical preceptor who is,~~if~~ supervising  
102 students in a professional nursing education program,~~to~~ be a  
103 registered nurse or, if supervising students in a practical  
104 nursing education program, ~~to~~ be a registered nurse or licensed  
105 practical nurse.

106 (f) The professional or practical nursing curriculum plan  
107 documents clinical experience and theoretical instruction in  
108 medical, surgical, obstetric, pediatric, and geriatric nursing.  
109 A professional nursing curriculum plan shall also document  
110 clinical experience and theoretical instruction in psychiatric  
111 nursing. Each curriculum plan must document clinical training  
112 experience in appropriate settings that include, but are not  
113 limited to, acute care, long-term care, and community settings.

114 (g) The professional or practical nursing education  
115 program provides theoretical instruction and clinical  
116 application in personal, family, and community health concepts;  
117 nutrition; human growth and development throughout the life  
118 span; body structure and function; interpersonal relationship  
119 skills; mental health concepts; pharmacology and administration  
120 of medications; and legal aspects of practice. A professional



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1059 (2014)

Amendment No. 1

121 nursing education program must ~~shall~~ also provide theoretical  
122 instruction and clinical application in interpersonal  
123 relationships and leadership skills; professional role and  
124 function; and health teaching and counseling skills.

125 (2) PROGRAM APPROVAL.—

126 (a) Upon receipt of a program application and review fee,  
127 the department shall examine the application to determine if  
128 ~~whether~~ it is complete. If the ~~a~~ program application is not  
129 complete, the department shall notify the educational  
130 institution in writing of any errors or omissions within 30 days  
131 after the department's receipt of the application. A program  
132 application is deemed complete upon the department's receipt of:

133 1. The initial application, if the department does not  
134 notify the educational institution of any errors or omissions  
135 within the 30-day period; or

136 2. A revised application that corrects each error and  
137 omission of which the department notifies the educational  
138 institution within the 30-day period.

139 (b) Within 90 days after the department's receipt of a  
140 complete program application, the board shall:

141 1. Approve the application if it documents compliance with  
142 subsection (1) ~~paragraphs (1)(a)-(g)~~; or

143 2. Provide the educational institution with a notice of  
144 intent to deny the application if it does not document  
145 compliance with subsection (1) ~~paragraphs (1)(a)-(g)~~. The notice  
146 must specify ~~set forth~~ written reasons for the board's denial of

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147 the application. The board may not deny a program application  
148 because of an educational institution's failure to correct an  
149 any error or omission that ~~of which~~ the department failed to  
150 provide notice of to ~~does not notify~~ the institution within the  
151 30-day notice period under paragraph (a). The educational  
152 institution may request a hearing on the notice of intent to  
153 deny the program application pursuant to chapter 120.

154 (c) A program application is deemed approved if the board  
155 does not act within the 90-day review period provided under  
156 paragraph (b).

157 (d) Upon the board's approval of a program application,  
158 the program becomes an approved program.

159 ~~(3) STATUS OF CERTAIN PROGRAMS. A professional or~~  
160 ~~practical nursing education program becomes an approved program~~  
161 ~~if, as of June 30, 2009, the program:~~

162 ~~(a) Has full or provisional approval from the board or,~~  
163 ~~except as provided in paragraph (b), is on probationary status.~~

164 ~~(b) Is on probationary status because the program did not~~  
165 ~~meet the board's requirement for graduate passage rates. Such~~  
166 ~~program shall remain on probationary status until it achieves a~~  
167 ~~graduate passage rate for calendar year 2009 or 2010 that equals~~  
168 ~~or exceeds the required passage rate for the respective calendar~~  
169 ~~year and must disclose its probationary status in writing to the~~  
170 ~~program's students and applicants. If the program does not~~  
171 ~~achieve the required passage rate, the board shall terminate the~~  
172 ~~program pursuant to chapter 120.~~

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173            (3) ~~(4)~~ ANNUAL REPORT.—By November 1 of each year, each  
174 approved program shall submit to the board an annual report  
175 comprised of an affidavit certifying continued compliance with  
176 subsection (1) paragraphs (1)(a)–(g), a summary description of  
177 the program's compliance with subsection (1) paragraphs (1)(a)–  
178 ~~(g)~~, and documentation for the previous academic year that, to  
179 the extent applicable, describes sets forth:

180            (a) The number of student applications received, qualified  
181 applicants, applicants accepted, accepted applicants who enroll  
182 in the program, students enrolled in the program, and program  
183 graduates.

184            (b) The program's retention rates for students tracked  
185 from program entry to graduation.

186            (c) The program's accreditation status, including  
187 identification of the accrediting agency ~~if such agency is not~~  
188 ~~an accrediting agency described in s. 464.003(1)~~.

189            (4) ~~(5)~~ INTERNET WEBSITE.—~~By October 1, 2010,~~ The board  
190 shall publish the following information on its Internet website:

191            (a) A list of each accredited program conducted in the  
192 state and the program's graduate passage rates for the most  
193 recent 2 calendar years, which the department shall determine  
194 through the following sources:

195            1. For a program's accreditation status, the specialized  
196 accrediting agencies that are nationally recognized by the  
197 United States Secretary of Education to accredit nursing  
198 education programs.

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199           2. For a program's graduate passage rates, the contract  
200 testing service of the National Council of State Boards of  
201 Nursing.

202           (b) The following data for each approved program, which  
203 includes ~~shall include~~, to the extent applicable:

204           1. All documentation provided by the program in its  
205 program application if submitted on or after July 1, 2009.

206           2. The summary description of the program's compliance  
207 submitted under subsection (3) ~~(4)~~.

208           3. The program's accreditation status, including  
209 identification of the accrediting agency ~~if such agency is not~~  
210 ~~an accrediting agency described in s. 464.003(1)~~.

211           4. The program's probationary status.

212           5. The program's graduate passage rates for the most  
213 recent 2 calendar years.

214           6. Each program's retention rates for students tracked  
215 from program entry to graduation.

216           (c) The average passage rates for United States educated  
217 first-time test takers on the National Council of State Boards  
218 of Nursing Licensing Examination for the most recent 2 calendar  
219 years, as calculated by the contract testing service of the  
220 National Council of State Boards of Nursing. The average passage  
221 rates shall be published separately for each type of comparable  
222 degree program listed in subparagraph (5)(a)1. ~~sub-subparagraphs~~  
223 ~~(6)(a)1.a.-d.~~

224

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225 The information required to be published under this subsection  
226 shall be made available in a manner that allows interactive  
227 searches and comparisons of individual programs selected by the  
228 website user. The board shall update the Internet website at  
229 least quarterly with the available information.

230 (5)~~(6)~~ ACCOUNTABILITY.—

231 (a)1. An approved program must achieve a graduate passage  
232 rate for first-time test takers who take the licensure  
233 examination within 6 months after graduation from the program  
234 that is not more lower than 10 percentage points lower less than  
235 the average passage rate during the same calendar year for  
236 graduates of comparable degree programs who are United States  
237 educated, first-time test takers on the National Council of  
238 State Boards of Nursing Licensure Examination ~~during a calendar~~  
239 ~~year~~, as calculated by the contract testing service of the  
240 National Council of State Boards of Nursing. An approved program  
241 shall require a graduate from the program who does not take the  
242 licensure examination within 6 months after graduation to enroll  
243 in and successfully complete a licensure examination preparatory  
244 course pursuant to s. 464.008. For purposes of this  
245 subparagraph, an approved program is comparable to all degree  
246 programs of the same program type from among the following  
247 program types:

248 a. Professional nursing education programs that terminate  
249 in a bachelor's degree.

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250 b. Professional nursing education programs that terminate  
251 in an associate degree.

252 c. Professional nursing education programs that terminate  
253 in a diploma.

254 d. Practical nursing education programs.

255 2. Beginning with graduate passage rates for calendar year  
256 2010, if an approved program's graduate passage rates do not  
257 equal or exceed the required passage rates for 2 consecutive  
258 calendar years, the board shall place the program on  
259 probationary status pursuant to chapter 120 and the program  
260 director shall ~~must~~ appear before the board to present a plan  
261 for remediation, which shall include specific benchmarks to  
262 identify progress toward a graduate passage rate goal. The  
263 program must ~~shall~~ remain on probationary status until it  
264 achieves a graduate passage rate that equals or exceeds the  
265 required passage rate for any 1 calendar year. The board shall  
266 deny a program application for a new prelicensure nursing  
267 education program submitted by an educational institution if the  
268 institution has an existing program that is already on  
269 probationary status.

270 3. Upon the program's achievement of a graduate passage  
271 rate that equals or exceeds the required passage rate, the  
272 board, at its next regularly scheduled meeting following release  
273 of the program's graduate passage rate by the National Council  
274 of State Boards of Nursing, shall remove the program's  
275 probationary status. ~~However,~~ If the program, during the 2

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276 calendar years following its placement on probationary status,  
277 does not achieve the required passage rate for any 1 calendar  
278 year, the board shall terminate the program pursuant to chapter  
279 120. However, the board may extend the program's probationary  
280 status for 1 additional year if the program demonstrates  
281 adequate progress toward the graduate passage rate goal by  
282 meeting a majority of the benchmarks established in the  
283 remediation plan.

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286

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

287

Remove lines 4-10 and insert:

288

conforming a cross-reference; amending s. 464.008,

289

F.S.; requiring graduates of approved prelicensure

290

nursing education programs who do not take the

291

licensure examination within a specified period after

292

graduation to complete a specified course; authorizing

293

the board to adopt rules; amending s. 464.013, F.S.;

294

exempting nurses who are certified by an accredited

295

program from continuing education requirements;

296

amending s. 464.019, F.S.; specifying the location of

297

clinical training; revising the limitation on the

298

percentage of clinical training that may consist of

299

clinical simulation; revising calculation of the

300

required graduate passage rate for approved programs;

301

requiring an approved program to require graduates who

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

302 do not take the licensure examination within a  
303 specified period after graduation to complete a  
304 specified course; providing additional requirements  
305 for a remediation plan; authorizing the board to  
306 extend probationary status for a program that has  
307 demonstrated adequate progress toward its graduate  
308 passage rate goal; deleting obsolete





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1121 Hazardous Walking Conditions  
**SPONSOR(S):** K-12 Subcommittee; Metz  
**TIED BILLS:** IDEN./SIM. BILLS: SB 1382

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	11 Y, 1 N, As CS	Brink	Ahearn
2) Education Appropriations Subcommittee		Seifert 	Heflin 
3) Education Committee			

### SUMMARY ANALYSIS

A hazardous walking condition is a condition on a road students must walk along or cross in order to walk to school and that is determined to be hazardous to students who live within a two-mile radius of the school. Currently, there is no provision in law that requires a state or local governmental entity with jurisdiction over a road with an identified hazardous walking condition to correct the condition.

The bill requires district school boards and state and local governmental entities to work cooperatively to identify and correct hazardous walking conditions. In addition, a state or local government with jurisdiction over a road containing a hazardous walking condition must state whether the correction of the condition will be included in its next five-year capital improvement program within 90 days of receiving a district school superintendent's request for a position statement. If the correction will not be included, the bill requires the governmental entity to provide written justification for the omission.

The bill requires certain law enforcement agency representatives to participate in the inspection of a perceived hazardous walking condition depending on whether the road is under the jurisdiction of the state, a county, or a municipality. The bill also creates a new hazardous walking condition category for "crossings over the road."

The bill allows a district school board to initiate an administrative hearing to determine whether a hazardous walking condition exists. In addition, the bill provides that the determination that a hazardous walking condition exists may not be used as evidence in a civil action for damages against a governmental entity.

The bill has no fiscal impact on state or local governments. See Fiscal Comments.

The bill provides an effective date of July 1, 2014.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

Current law provides for the identification of hazardous walking conditions along roads students must walk in order to walk to school.<sup>1</sup> These provisions apply when conditions are perceived to be hazardous to students who live within a two-mile radius of a school and who walk to the school.<sup>2</sup>

Criteria established in state law are used to determine whether a walking condition is hazardous. A walkway that is parallel to a road is hazardous if:

- There is no area at least four feet wide adjacent to the road that has a surface upon which students may walk without being required to walk on the road surface; or
- The road is uncurbed, has a posted speed limit of 55 miles per hour, and the adjacent four-foot walkway, if any, is not set off the road by at least three feet from the road's edge.<sup>3</sup>

However, even if these criteria are met, a hazardous walking condition does not exist if the road is in a residential area that has little or no transient traffic; the volume of traffic on the road is less than 180 vehicles per hour, per direction, during the time students walk to and from school; or the road is located in a residential area and has a posted speed limit of 30 miles per hour or less.<sup>4</sup>

A walkway that is perpendicular to the road is a hazardous walking condition with respect to any road across which students must walk if:

- The traffic volume on the road exceeds 360 vehicles per hour, per direction, during the time students walk to and from school and if the crossing site is uncontrolled;<sup>5</sup> or
- The total traffic volume on the road exceeds 4,000 vehicles per hour through an intersection or other crossing site controlled by a stop sign or other traffic control signal during the times students walk to and from school.<sup>6</sup>

When a district school superintendent or the superintendent's designee receives a request for review of a condition perceived to be hazardous to students who live within the two-mile limit and who walk to school, the condition must be inspected by a representative of the school district and a representative of the state or local governmental entity with jurisdiction over the perceived hazardous location.<sup>7</sup> The superintendent or designee and the state or local governmental entity or its representative must make a mutually agreed upon final determination as to whether the condition meets the criteria for being hazardous. This determination must be reported to the Department of Education (DOE).<sup>8</sup>

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<sup>1</sup> Section 1006.23, F.S. "Student" is defined to mean any public elementary school student whose grade level does not exceed grade 6. Section 1006.23(1), F.S.

<sup>2</sup> Section 1006.23(3), F.S.

<sup>3</sup> Section 1006.23(4)(a)1., F.S.

<sup>4</sup> Section 1006.23(4)(a)2., F.S.

<sup>5</sup> An "uncontrolled crossing site" is an intersection or other designated crossing site where no crossing guard, traffic enforcement officer, or stop sign or other traffic control signal is present during the times students walk to and from school. Section 1006.23(4)(b)1., F.S.

<sup>6</sup> Section 1006.23(4)(b), F.S. Traffic volume is determined by the most current traffic engineering survey conducted by a state or local governmental agency. *Id.*

<sup>7</sup> Section 1006.23(3), F.S.

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

Once a walking condition is determined to be hazardous, the district school board must request a determination from the state or local governmental entity with jurisdiction over the road regarding whether the hazard will be corrected and, if so, the projected completion date.<sup>9</sup> State funds must be allocated for the transportation of students who are subjected to a hazardous walking condition. The funding must cease upon correction of the hazard or upon the projected completion date, whichever occurs first.<sup>10</sup>

The current law's stated intent is that state and local governmental entities with jurisdiction over a hazardous walking condition correct the condition within a reasonable period of time. However, current law does not require the state or local governmental entity with jurisdiction over the road to correct a hazardous walking condition.

### Effect of Proposed Changes

Whereas current law provides intent language that school boards and state and local governmental entities work to identify and correct hazardous walking conditions within a reasonable period of time, the bill requires correction of hazardous walking conditions within a reasonable period of time. Neither the current law nor the bill define a reasonable period of time. In addition, the bill requires the district school board to provide transportation to students who would be subjected to hazardous walking conditions.

The bill requires the district school superintendent, as opposed to the district school board, to request a position statement from the state or local governmental entity with jurisdiction over the road as to whether the hazardous condition will be corrected and, if so, the anticipated completion date for the correction. The applicable governmental entity, within 90 days of receiving the request from the superintendent, must inform the superintendent whether the hazardous condition will be included in its next annual five-year capital improvements program<sup>11</sup> and, if so, when the correction will be completed. If the hazardous walking condition will not be included in the applicable governmental entity's next annual five-year capital improvements program, the entity must state in writing to the superintendent and the DOE the factors justifying the exclusion.

For purposes of inspecting perceived hazardous walking conditions, the bill requires a representative from the municipal police department for a municipal road, a representative from the sheriff's department for a county road, or a representative from the Department of Transportation for a state road, in addition to the school district and applicable governmental entity representatives, to participate in the inspection. If the jurisdiction falls within an area for which there is a metropolitan planning organization, a representative of that organization must also participate in the inspection.

If the representatives determine that the condition meets the criteria for a hazardous walking condition, they must report the determination in writing to the district school superintendent. If the representatives do not reach a consensus, the bill requires them to report the reasons why to the district school superintendent, who must then provide a report and recommendation to the district school board.

The bill authorizes district school boards to initiate a proceeding under the Administrative Procedures Act<sup>12</sup> to determine whether a condition constitutes a hazardous walking condition. The bill requires at least 30 days' written notice of the administrative proceeding be given to the local governmental entities with jurisdiction over the road. During this period, the local governmental agencies may avoid the administrative procedure by concurring in writing that a hazardous walking condition exists and by

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<sup>9</sup> Section 1006.23(2)(b), F.S.

<sup>10</sup> *Id.*

<sup>11</sup> Each local government must maintain a comprehensive plan to guide future development and growth. *See* section 163.3167, F.S. Each comprehensive plan must include a capital improvements element, covering five years, designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities. *See* section 163.3177, F.S. The five-year capital improvements element must be reviewed by the local government on an annual basis. Section 163.3177(3)(b), F.S.

<sup>12</sup> Chapter 120, F.S.

providing a position statement to the district school superintendent. The bill places the burden of proof, by a preponderance of evidence, on the district school board for purposes of the administrative proceeding. If the district school board prevails, the district school superintendent must report the outcome to the DOE and formally request correction of the hazardous walking condition.

With respect to walkways parallel to the road, the bill provides that if the four-foot walking area adjacent to the road consists of a drainage ditch, sluiceway, swale, or channel, a hazardous walking condition exists. The bill also lowers the posted speed limit that makes for a hazardous walking condition from 55 miles per hour to 50 miles per hour or greater. Furthermore, the bill eliminates the exception from hazardous walking condition criteria for parallel walkways in residential areas with little or no transient traffic.

The bill creates a new hazardous walking condition category for "crossings over the road," in which a hazardous walking condition exists at any road and uncontrolled crossing site if the posted speed limit is 50 miles per hour or greater or the road has six lanes of traffic, regardless of the speed limit.

The bill provides that the determination that a hazardous walking condition exists may not be used as evidence in a civil action for damages against a governmental entity under s. 768.28, F.S.

**B. SECTION DIRECTORY:**

Section 1. Amends s. 1006.23, F.S., revising criteria that determine a hazardous walking condition for public school students; revising procedures for inspection and identification of hazardous walking conditions; authorizing an administrative proceeding in certain instances; authorizing a district school superintendent to initiate a formal request for correction of a hazardous walking condition under certain circumstances; requiring a district school board to provide transportation to students who would be subjected to hazardous walking conditions; requiring state or local governmental entities with jurisdiction over a road with a hazardous walking condition to correct the condition within a specified period of time; providing requirements for a governmental entity relating to its capital improvements program; revising provisions relating to funding for the transportation of students subjected to a hazardous walking condition; providing requirements relating to a civil action for damages.

Section 2. Provides an effective date of July 1, 2014.

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

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

1. Revenues:

None.

2. Expenditures:

None.

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

1. Revenues:

None.

2. Expenditures:

None.

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

None.

**D. FISCAL COMMENTS:**

Current law provides intent language that school boards and state and local governmental entities work to identify and correct hazardous walking conditions within a reasonable period of time. The bill eliminates the intent language and instead requires correction of hazardous walking conditions within a reasonable period of time. However, because the bill does not set any time frame by which a hazardous walking condition must be corrected nor penalize a state or local governmental entity for failing to correct the condition, it is unlikely that there is an associated fiscal impact.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

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

None.

**2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

None.

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

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 25, 2014, the K-12 Subcommittee reported the PCS for HB 1121 favorably. The original bill required a state or local governmental entity with jurisdiction over a road with a hazardous walking condition to correct the condition within three years, or no later than five years under certain circumstances, after a condition is determined to be hazardous. In addition, the bill required the local governmental entity with jurisdiction over the road to reimburse the school district for the operation cost of transportation of students subjected to the hazardous walking condition.

To avoid potential fiscal impacts, the PCS, instead, requires state and local governmental entities to correct a hazardous walking condition within a reasonable time. In addition, the PCS eliminates the provision requiring a local governmental entity to reimburse the school district.

1                                    A bill to be entitled  
 2                    An act relating to hazardous walking conditions;  
 3                    amending s. 1006.23, F.S.; revising criteria that  
 4                    determine a hazardous walking condition for public  
 5                    school students; revising procedures for inspection  
 6                    and identification of hazardous walking conditions;  
 7                    authorizing a district school superintendent to  
 8                    initiate a formal request for correction of a  
 9                    hazardous walking condition; authorizing a district  
 10                    school board to initiate an administrative proceeding  
 11                    under certain circumstances and providing requirements  
 12                    therefor; requiring a district school board to provide  
 13                    transportation to students who would be subjected to  
 14                    hazardous walking conditions; requiring state or local  
 15                    governmental entities with jurisdiction over a road  
 16                    with a hazardous walking condition to correct the  
 17                    condition within a reasonable period of time;  
 18                    providing requirements for a governmental entity  
 19                    relating to its capital improvements program;  
 20                    providing requirements relating to a civil action for  
 21                    damages; providing an effective date.

22  
 23        Be It Enacted by the Legislature of the State of Florida:

24  
 25                    Section 1.    Section 1006.23, Florida Statutes, is reordered  
 26                    and amended to read:

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2014

27 | 1006.23 Hazardous walking conditions.-

28 | (1) DEFINITION.-As used in this section, "student" means  
 29 | any public elementary school student whose grade level does not  
 30 | exceed grade 6.

31 | ~~(2)(4) STATE CRITERIA FOR DETERMINING HAZARDOUS WALKING~~  
 32 | ~~CONDITIONS.-~~

33 | (a) Walkways parallel to the road.-

34 | 1. It shall be considered a hazardous walking condition  
 35 | with respect to any road along which students must walk in order  
 36 | to walk to and from school if there is not an area at least 4  
 37 | feet wide adjacent to the road, not including drainage ditches,  
 38 | sluiceways, swales, or channels, having a surface upon which  
 39 | students may walk without being required to walk on the road  
 40 | surface. In addition, whenever the road along which students  
 41 | must walk is uncurbed and has a posted speed limit of 50 ~~55~~  
 42 | miles per hour or greater, the area as described above for  
 43 | students to walk upon shall be set off the road by no less than  
 44 | 3 feet from the edge of the road.

45 | 2. The provisions of subparagraph 1. do not apply when the  
 46 | road along which students must walk:

47 | ~~a. Is in a residential area which has little or no~~  
 48 | ~~transient traffic;~~

49 | ~~a.b.~~ a. Is a road on which the volume of traffic is less than  
 50 | 180 vehicles per hour, per direction, during the time students  
 51 | walk to and from school; or

52 | ~~b.e.~~ b. Is located in a residential area and has a posted



53 | speed limit of 30 miles per hour or less.

54 |       (b) Walkways perpendicular to the road.—It shall be  
 55 | considered a hazardous walking condition with respect to any  
 56 | road across which students must walk in order to walk to and  
 57 | from school if:

58 |       1. ~~If~~ The traffic volume on the road exceeds the rate of  
 59 | 360 vehicles per hour, per direction (including all lanes),  
 60 | during the time students walk to and from school and if the  
 61 | crossing site is uncontrolled. For purposes of this subsection,  
 62 | an "uncontrolled crossing site" is an intersection or other  
 63 | designated crossing site where no crossing guard, traffic  
 64 | enforcement officer, or stop sign or other traffic control  
 65 | signal is present during the times students walk to and from  
 66 | school.

67 |       2. ~~If~~ The total traffic volume on the road exceeds 4,000  
 68 | vehicles per hour through an intersection or other crossing site  
 69 | controlled by a stop sign or other traffic control signal,  
 70 | unless crossing guards or other traffic enforcement officers are  
 71 | also present during the times students walk to and from school.

72 |  
 73 | Traffic volume shall be determined by the most current traffic  
 74 | engineering study conducted by a state or local governmental  
 75 | agency.

76 |       (c) Crossings over the road.—It shall be considered a  
 77 | hazardous walking condition with respect to any road at any  
 78 | uncontrolled crossing site if:

79           1. The road has a posted speed limit of 50 miles per hour  
 80 or greater; or

81           2. The road has six lanes or more, not including turn  
 82 lanes, regardless of the speed limit.

83           (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.—

84           (a) When a request for review is made by ~~to~~ the district  
 85 school superintendent with respect to a road over which a state  
 86 or local governmental entity has jurisdiction ~~or the district~~  
 87 ~~school superintendent's designee~~ concerning a condition  
 88 perceived to be hazardous to students in that district who live  
 89 within the 2-mile limit and who walk to school, such condition  
 90 shall be inspected jointly by a representative of the school  
 91 district, ~~and~~ a representative of the state or local  
 92 governmental entity with ~~that has~~ jurisdiction over the  
 93 perceived hazardous location, and a representative of the  
 94 municipal police department for a municipal road, a  
 95 representative of the sheriff's office for a county road, or a  
 96 representative of the Department of Transportation for a state  
 97 road. If the jurisdiction is within an area for which there is a  
 98 metropolitan planning organization, a representative of that  
 99 organization shall also be included. The governmental  
 100 representatives shall determine whether the condition  
 101 constitutes a hazardous walking condition as provided in  
 102 subsection (2). If the governmental representatives concur that  
 103 a condition constitutes a hazardous walking condition as  
 104 provided in subsection (2), they shall report that determination

105 in writing to the district school superintendent who shall  
 106 initiate a formal request for correction as provided in  
 107 subsection (4).

108 (b) If the governmental representatives are unable to  
 109 reach a consensus, the reasons for lack of consensus shall be  
 110 reported to the district school superintendent who shall provide  
 111 a report and recommendation to the district school board. The  
 112 district school board may initiate an administrative proceeding  
 113 under chapter 120 seeking a determination as to whether the  
 114 condition constitutes a hazardous walking condition as provided  
 115 in subsection (2) after providing at least 30 days' notice in  
 116 writing to the local governmental entities having jurisdiction  
 117 over the road of its intent to do so unless, within 30 days  
 118 after such notice is provided, the local governmental entities  
 119 concur in writing that the condition is a hazardous walking  
 120 condition as provided in subsection (2) and provide the position  
 121 statement pursuant to subsection (4). If an administrative  
 122 proceeding is initiated under this paragraph, the district  
 123 school board has the burden of proving such condition by the  
 124 greater weight of evidence. If the district school board  
 125 prevails, the district school superintendent shall report the  
 126 outcome to the Department of Education and initiate a formal  
 127 request for correction of the hazardous walking condition as  
 128 provided in subsection (4). ~~The district school superintendent~~  
 129 ~~or his or her designee and the state or local governmental~~  
 130 ~~entity or its representative shall then make a final~~

131 ~~determination that is mutually agreed upon regarding whether the~~  
 132 ~~hazardous condition meets the state criteria pursuant to this~~  
 133 ~~section. The district school superintendent or his or her~~  
 134 ~~designee shall report this final determination to the~~  
 135 ~~Department.~~

136 (4)(2) TRANSPORTATION; CORRECTION OF HAZARDS.-

137 (a) A district school board ~~It is intended that district~~  
 138 ~~school boards~~ and other governmental entities shall work  
 139 cooperatively to identify and correct conditions that are  
 140 hazardous along student walking routes to school, and a district  
 141 school board shall ~~that district school boards~~ provide  
 142 transportation to students who would be subjected to such  
 143 conditions. Additionally, ~~It is further intended that~~ state or  
 144 local governmental entities with having jurisdiction over a road  
 145 along which a hazardous walking condition is determined to exist  
 146 shall correct the condition ~~such hazardous conditions~~ within a  
 147 reasonable period of time.

148 (b) Upon a determination pursuant to subsection (3) ~~this~~  
 149 ~~section~~ that a hazardous walking condition exists ~~is hazardous~~  
 150 ~~to students~~, the district school superintendent ~~board~~ shall  
 151 request a position statement with respect to correction of such  
 152 condition ~~determination~~ from the state or local governmental  
 153 entity with having jurisdiction over the road. Within 90 days  
 154 after receiving such request, the state or local governmental  
 155 entity shall inform the district school superintendent ~~regarding~~  
 156 whether the entity will include correction of the hazardous

157 walking condition in its next annual 5-year capital improvements  
 158 program ~~hazard will be corrected~~ and, if so, when correction of  
 159 the condition will be completed. If the hazardous walking  
 160 condition will not be included in the state or local  
 161 governmental entity's next annual 5-year capital improvements  
 162 program, the factors justifying such conclusion must be stated  
 163 in writing to the district school superintendent and the  
 164 Department of Education ~~regarding a projected completion date.~~

165 (c) State funds shall be allocated for the transportation  
 166 of students subjected to a hazardous walking condition. However,  
 167 ~~such hazards, provided that~~ such funding shall cease upon  
 168 correction of the hazardous walking condition ~~hazard~~ or upon the  
 169 projected completion date, whichever occurs first.

170 (5) CIVIL ACTION.—In a civil action for damages brought  
 171 against a governmental entity under s. 768.28, the designation  
 172 of a hazardous walking condition under this section is not  
 173 admissible in evidence.

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



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 7165      PCB EDC 14-03      Digital Student Learning and Support Services  
**SPONSOR(S):** Education Committee, McBurney  
**TIED BILLS:**                      **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Committee	16 Y, 0 N	Brink	Mizereck
1) Education Appropriations Subcommittee		Seifert <i>JS</i>	Heflin <i>Kut</i>

### SUMMARY ANALYSIS

The bill requires the Department of Education (DOE) to develop by August 1, 2014, a five-year strategic plan for Florida digital classrooms, which, among other things, describes how technology will be integrated into classroom teaching and learning. The bill provides for oversight of the development and implementation of the plan by the Commissioner of Education and requires the DOE to provide the plan to school districts, publish the plan on the DOE's website, and annually update the plan.

The bill repurposes local instructional improvement systems (LIIS) as district digital classrooms systems and provides requirements for the systems. The bill also requires each district digital classrooms system to meet minimum standards published by the DOE across the nine LIIS standards component areas.

The bill requires each school district, by December 31, 2014, to develop and submit to the DOE for approval a digital classrooms system plan to improve student performance through the district's digital classrooms system and establishes required plan content. Each district must annually update and submit the plan to the DOE for approval in a format and by a date determined by the DOE.

The bill also requires the State Board of Education report by August 1, 2015, and annually thereafter, to the Governor, the Senate President, and the Speaker of the House of Representatives the progress each school district has made in establishing the digital classrooms system and integrating such technology into classroom teaching and learning as well as the impact on student performance.

The bill creates the Complete Florida Plus Program at the University of West Florida and transfers the requirements and responsibilities related to online student support services currently administered through the Florida Virtual Campus (FLVC) to this program. The consolidation of duties and resources will streamline and maximize services to all Florida students pursuing postsecondary degrees.

The bill provides that the primary purposes of the Complete Florida Plus Program are to:

- Facilitate degree completion for the state's adult learners through the Complete Florida Degree Initiative.
- Provide information and access to distance learning courses and degree programs offered by the state's public postsecondary education institutions.
- Coordinate with the Florida College System and the State University System to identify and provide online academic support services and resources when multi-institutional provision of such services and resources is more cost or operationally effective.
- Administer the Florida Library Automation Cooperative (FLAC) in consultation with the chancellors of the FCS and SUS regarding implementation and operations of FLAC.

The bill also establishes the FLAC and reassigns all the duties and resources related to online library support services currently administered by the FLVC to the FLAC. The FLAC shall be administered by a director who will report to the director of the Complete Florida Plus Program.

The bill repeals ss. 1006.282 and 1006.72, F.S.

This bill has an effective date of July 1, 2014.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Digital Student Learning

###### Present Situation

###### Technology Plans

Current law requires the Department of Education (DOE) to develop a systemwide technology plan, make budget recommendations to the commissioner, assist school districts in securing internet access and telecommunications services, and coordinate services with other state, local, and private agencies.<sup>1</sup> In addition, the DOE must develop a method to address the need for a statewide approach to planning and operations of library and information services to achieve a single K-20 education system library information portal and a unified higher education library management system.<sup>2</sup>

The Bureau of Educational Technology within the DOE provides "leadership, coordination, and guidance concerning the submission, technical review, and approval of local educational technology plans as a service to school districts."<sup>3</sup> *The Essential District Technology Plan Components*, developed by the DOE, is intended to provide a general framework for the technology plan content.<sup>4</sup> The components include the following:<sup>5</sup>

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

Eligibility to participate in certain federal technology initiatives and grant programs (e.g., Enhancing Education Through Technology<sup>6</sup> and E-Rate<sup>7</sup> programs) requires that a local school district develop and maintain a long-range strategic district technology plan that adequately addresses prescribed planning criteria. Planning requirements and expectations vary from program to program, but many of

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<sup>1</sup> Section 1001.20(4)(a), F.S.

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

<sup>3</sup> Florida Department of Education, *Local School District Educational Technology Planning*, [http://www.fldoe.org/BII/Instruct\\_Tech/Planning/local.asp](http://www.fldoe.org/BII/Instruct_Tech/Planning/local.asp) (last visited Feb. 16, 2014).

<sup>4</sup> Florida Department of Education, *Local School District Educational Technology Planning*, [http://www.fldoe.org/BII/Instruct\\_Tech/Planning/local.asp](http://www.fldoe.org/BII/Instruct_Tech/Planning/local.asp) (last visited Feb. 16, 2014).

<sup>5</sup> Florida Department of Education, *The Essential District Technology Plan Components*, available at [http://www.fldoe.org/BII/Instruct\\_Tech/downloads/EssentialDistrictTechnologyPlanComponents.doc](http://www.fldoe.org/BII/Instruct_Tech/downloads/EssentialDistrictTechnologyPlanComponents.doc).

<sup>6</sup> U.S. Department of Education, *Enhancing Education Through Technology (Ed-Tech) State Program*, <http://www2.ed.gov/programs/edtech/index.html> (last visited Feb. 15, 2014).

<sup>7</sup> U.S. Department of Education, *E-Rate Program – Discounted Telecommunications Services*, <http://www2.ed.gov/about/offices/list/oii/nonpublic/erate.html> (last visited Feb. 15, 2014). "The E-Rate technology plan describes the technologies and associated resources, both existing and planned, that will assist a school to provide educational services." Email, Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 790* (Feb. 14, 2013), at 3, on file with the Committee on Education staff.



the essential components of an effective technology planning process are consistent across programs.<sup>8</sup> For the E-Rate program, the school districts submit a technology plan, which is required for the federal E-Rate application, to the DOE for approval.<sup>9</sup> These district plans provide a focus on infrastructure and the acquisition and access to technology, but do not specifically provide for the integration of digital instruction into classroom teaching and learning.

While participation in federal programs is optional, a majority of school districts participate to improve learning opportunities for all students, enhance technology resources needed in conjunction with existing initiatives (e.g., reading improvement), and address, in a targeted and focused way, significant challenges associated with impoverished and disadvantaged student populations.<sup>10</sup>

In addition to addressing federal program participation requirements, developing a strong technology planning process can assist a district with:<sup>11</sup>

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

The department requests district school superintendents to encourage school principals and school district personnel to participate in the Florida Innovates Technology Resources Inventory which is used to annually gather school-level and school district-level technology resources inventory data.<sup>12</sup> Schools and school districts report technology data regarding devices, bandwidth, wireless infrastructure, professional development, and computer-based assessment readiness to the department.<sup>13</sup> The department uses the technology resources inventory data to prepare annual legislative budget requests.<sup>14</sup> In 2013, the Legislature appropriated \$11.3 million for district bandwidth support and \$6 million for Technology transformation grants for rural districts.<sup>15</sup>

### Local Instructional Improvement Systems

Florida law requires every district in the state to provide teachers, administrators, students, and parents access to a local instructional improvement system (LIIS) that meets stakeholder needs for access to and use of data to inform instruction in the classroom, operations at the school and district, and research.<sup>16</sup> Minimum standards for a LIIS were developed by a team of over 50 education stakeholders and professionals from around Florida and published on January 31, 2011.<sup>17</sup> The published LIIS minimum standards include 668 specific standards across nine component areas,<sup>18</sup> including:

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<sup>8</sup> Florida Department of Education, *Local School District Educational Technology Planning*, [http://www.fldoe.org/BII/Instruct\\_Tech/Planning/local.asp](http://www.fldoe.org/BII/Instruct_Tech/Planning/local.asp) (last visited Feb. 16, 2014).

<sup>9</sup> Email, Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 790* (Feb. 14, 2013), at 3, on file with the Committee on Education staff.

<sup>10</sup> Florida Department of Education, *Local School District Educational Technology Planning*, [http://www.fldoe.org/BII/Instruct\\_Tech/Planning/local.asp](http://www.fldoe.org/BII/Instruct_Tech/Planning/local.asp) (last visited Feb. 16, 2014).

<sup>11</sup> Florida Department of Education, *Local School District Educational Technology Planning*, [http://www.fldoe.org/BII/Instruct\\_Tech/Planning/local.asp](http://www.fldoe.org/BII/Instruct_Tech/Planning/local.asp) (last visited Feb. 16, 2014).

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

<sup>13</sup> Email, Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 790* (Feb. 14, 2013), at 3, on file with the Committee on Education staff.

<sup>14</sup> Florida Department of Education, *Memorandum: School Technology Resources Inventory* (Oct. 11, 2013), on file with the Committee on Education staff.

<sup>15</sup> Specific Appropriation 102A, ch. 2013-40, L.O.F.

<sup>16</sup> Section 1006.281(3), F.S.; s. 18, ch. 2010-154, L.O.F.

<sup>17</sup> *Id.*

<sup>18</sup> Florida Department of Education, *Local Instructional Improvement System (LIIS) Minimum Standards 2013 Survey Statewide Report* (Dec. 12, 2013), available at <https://www.fldoe.org/arra/pdf/RTTT-LIIS-2013.pdf>.

- Assessment and growth;
- Instructional Practices;
- [State academic] standards and curriculum;
- Facilitator profile;
- Learner profile;
- Analysis and reporting;
- Documentation and support;
- Data integration; and
- Information technology platform and security.<sup>19</sup>

By June 30, 2014, each LIIS must comply with the minimum standards published by the DOE and include the following functionality:

- Vertically searches for and organizes specific instructional materials;
- Enables teachers prepare lessons, individualize student instruction, and connect student assessment data with electronic and digital instructional materials;
- Provides communication in order to assist parents and teachers in better serving the needs of students;
- Enables district staff to plan, create, and manage professional development; and
- Provides access to electronic and digital content from multiple providers.<sup>20</sup>

While the LIIS addresses various aspects of instructional practices and use of technology, as with district technology plans, the LIIS does not specifically provide for integration of technology into classroom teaching and learning.

#### Pilot Program for the Transition to Electronic and Digital Instructional Materials

A district school board may designate pilot program schools for the transition to electronic and digital instructional materials if the school district:

- Implements a local instructional improvement system pursuant to s. 1006.281, F.S.;
- Requests only electronic or digital sample copies of instructional materials;
- Uses at least 50 percent of the pilot program school's instructional materials allocation on electronic and digital state-adopted instructional materials.<sup>21</sup>

A district which designates a pilot program must report to the department:

- The name of the pilot program school, the grades and courses included in the pilot, and contact person information;
- A description of the technological tools that will be used in the pilot program; and
- The projected costs, savings, and funding sources associated with the pilot program.<sup>22</sup>

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

The bill requires the Department of Education's Office of Technology and Information Services, by August 1, 2014, and by January 1 of each year thereafter, to develop and annually update a five-year strategic plan for Florida digital classrooms. The bill provides for oversight of the development and

<sup>19</sup> Florida Department of Education, *Local Instructional Improvement System Minimum Standards, Requirement Summary* (Jan. 31, 2011), available at <https://www.fldoe.org/arra/pdf/LIISSummary.pdf>.

<sup>20</sup> Section 1006.281, F.S.

<sup>21</sup> Section 1006.282, F.S.

<sup>22</sup> Section 1006.282, F.S.

implementation of the plan by the Commissioner of Education and requires the plan to be provided to each school district and published on the DOE's website. The plan must also:

- Describe how technology will be integrated into classroom teaching and learning to assist the state in improving student performance outcomes and enable all students in Florida to be digital learners with access to digital tools and resources;
- Describe each school district's progress toward compliance with the minimum technology requirements established pursuant to the plan and the local instructional improvement system standards, in particular the standards that address instructional practices, assessments and growth, and state academic standards and curriculum, as adopted in state board rule; and
- Include, at least:
  - Minimum technology requirements that include specifications for hardware, software, devices, networking, security, and broadband capacity to facilitate school district compliance with the requirement for online assessments and guidelines for the number of students per device necessary to enable students to access all electronic and digital instructional materials;
  - Local instructional improvement system standards as adopted in state board rule;
  - Identification of the types of digital tools that can be utilized in the classroom to provide students access to and interaction with media-rich sources of information;
  - Minimum requirements for professional development opportunities and training to assist instructional personnel and staff with the integration of technology in classroom teaching and learning; and
  - Identification of the types of digital teaching and learning resources that can assist instructional personnel and staff in the management, assessment, and monitoring of student learning and performance.

In addition, the bill eliminates requirements relating to the development of a method for addressing the need for a statewide approach to planning and operations of library and information services.

The bill repurposes the school district LIIS as a district digital classrooms system. The bill defines "district digital classrooms system" as a system that integrates the use of technology into the classroom to improve student performance outcomes and provides teachers, administrators, students, and parents with data and resources to systematically manage continuous instructional improvement. A district digital classrooms system must provide access to:

- Instructional materials in digital or electronic format;
- Digital materials including materials that enable students to earn certificates and industry certifications; and
- Teaching and learning tools and resources, including the ability for teachers and administrators to manage, assess, and monitor student performance data.

The bill requires district digital classrooms systems to comply with the minimum LIIS standards adopted in state board rule and provide the same functionality. The bill specifies that the professional development functionality must include professional development opportunities that assist staff with the integration of technology into classroom teaching and learning. The bill requires the standards to comply with any applicable requirements or standards published by the DOE to enable school districts to administer online assessments and enable students to access digital materials. The system must also connect to instructional content and student assessment providers.

The bill requires each school district, by December 31, 2014, to develop and submit to the DOE for approval a digital classrooms system plan to improve student performance through the district's digital classrooms system. Each district must annually update and submit the plan to the DOE for approval in a format and by a date determined by the DOE. The district digital classrooms system plan must provide for:

- Proposed student performance outcomes and reporting of actual student performance for all students resulting from the implementation of the digital classrooms system;
- Digital classrooms system compliance with any requirements provided in the five-year strategic plan for Florida digital classrooms;
- Professional development opportunities that assist instructional personnel and staff with the integration of technology in classroom teaching; and
- Compliance with requirements for federal technology initiatives and grant programs, if the district participates in such initiatives or programs.

In addition, the plan must explain how funds appropriated for the operation of schools are expended with respect to:

- Costs associated with school district use of the Florida Information Resource Network<sup>23</sup> which represent the amount not funded by federal funds available through the E-rate<sup>24</sup> program;
- Specified costs associated with delivering high-capacity Internet access to the district network aggregation location;
- Specified costs associated with delivering high-capacity Internet across to individual schools;
- Specified costs associated with upgrading the school district network infrastructure necessary to deliver high-capacity Internet access to each network aggregation location or to an individual school; and
- Costs associated with acquiring electronic devices that comply with technology requirements published in the five-year strategic plan for Florida digital classrooms.

The bill requires, beginning August 1, 2015 and annually thereafter, the State Board of Education to provide a report to the Governor, the Senate President, and the Speaker of the House of Representatives that details the progress by each school district in establishing the digital classrooms system and integrating such technology into classroom teaching and learning and the impact on student performance. The report must include, by school and school district, the following information:

- Total revenues and expenditures associated with each school district's implementation of its digital classrooms system;
- Proposed and actual student performance outcomes resulting from the implementation of the digital classrooms system;
- The status of each school district's digital classrooms system's compliance with the minimum standards published by the Department of Education; and
- Recommendations for enhanced functionality for the digital classrooms system.

<sup>23</sup> The Florida Information Resource Network (FIRN) was created in the early 1980s to electronically link the state's public education entities to computing resources. FIRN's purpose was to provide equal access to computing resources for all public education entities, to enable the exchange of information among these entities, and to transmit administrative data to the Department of Education (DOE) in a timely manner. See FIRN 2008 Proviso Report, Recommendations and Options for the Continued Operation of the Florida Information Resource Network; submitted September 15, 2008. FIRN was established within the Department of Education and over the years, its services expanded from providing a way to transmit administrative and student information to providing e-mail and connections to the Internet. Since the passage of the federal Telecommunications Act of 1996, universal service funds have been used to fund a significant amount of FIRN's services. This federal act established the Universal Service Administrative Company (USAC), which is an independent, not-for-profit corporation designated by the Federal Communications Commission as the administrator of the universal service fund. USAC collects contributions from telecommunications carriers and administers support programs designed to help communities across the country secure access to affordable telecommunications services. <http://www.usac.org/about/> One such program is the Schools and Libraries Program, commonly referred to as the E-rate program. The Fiscal Year 2009-2010 GAA included each school district's funding for FIRN into the Florida Education Finance Program (FEFP). Additionally, chapter 2009-59, Laws of Florida, created s. 1001.271, F.S., which provided that the Commissioner of Education, upon requisition from school districts, shall purchase the non E-rate portion of their Internet access services and related services. For Fiscal Year 2009-2010, each school district eligible for the E-rate funding was required to submit a requisition to the Commissioner for at least the same level of Internet access services used through the FIRN contract in Fiscal Year 2008-2009.

<sup>24</sup> See *supra* text accompanying note 27.

The bill repeals s. 1006.282, relating to the pilot program for the transition to electronic and digital instructional materials, as other provisions of the bill render the program obsolete. The bill also repeals subsection (4) of s. 1006.29, relating to publication of minimum and recommended technology requirements, as the bill provides similar requirements to be published in the a five-year strategic plan for Florida digital classrooms.

## **Student Support Services**

### **Present Situation**

#### **Complete Florida Degree Program**

Also in 2012, the Legislature established the Complete Florida Degree Program to recruit, recover, and retain the state's adult learners and assist them in completing an associate degree or a baccalaureate degree that is aligned to high-wage, high-skill workforce needs.<sup>25</sup> The program is administered by the University of West Florida (UWF), acting as the lead institution, in coordination with the FCS and SUS institutions and private postsecondary institutions, as appropriate.<sup>26</sup>

The Complete Florida Degree Program is required to:

- Provide adult learners with a single point of access to information and links to innovative online and accelerated distance learning courses, student and library support services, and electronic resources that will aid them in completing a postsecondary degree;
- Develop and implement an advising and student support system that includes the use of degree completion specialists, is based upon best practices and processes, and includes academic and career support services designed specifically for the adult learner;
- Use existing or develop new competency-based instructional and evaluation tools to assess prior performance, experience, and education to award college credit and reduce the time required for adults to complete degrees;
- Develop and implement an evaluation process to collect and analyze appropriate data in order to report on the effectiveness of the program;
- Develop and implement a statewide student recruitment campaign for the program;
- Identify proposed changes to the statewide computer-assisted student advising system developed by the FLVC to assist the adult learner in using the system;
- Use the online admissions application implemented by FLVC; and
- Use the distance learning catalog implemented by FLVC.<sup>27</sup>

#### **Florida Virtual Campus**

In 2012, the Legislature created the Florida Virtual Campus (FLVC) by consolidating the services and resources previously provided by the Florida Distance Learning Consortium, the Florida Higher Education Distance Learning Catalog, FACTS.org, the Florida Center for Library Automation, and the College Center for Library Automation. The FLVC was established to provide access to online student and library support services and to serve as a statewide resource and clearinghouse for public postsecondary education distance learning courses and degree programs.<sup>28</sup> The primary purposes of FLVC are to:

- Establish a single library automation system and associated resources and services that all public postsecondary education institutions will use to support their learning, teaching, and research needs.

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<sup>25</sup> Section 15, ch. 2012-134, L.O.F.

<sup>26</sup> Section 1006.735(2), F.S.

<sup>27</sup> Section 1006.735(4) & (5), F.S.

<sup>28</sup> Section 14, ch. 2012-134, L.O.F.

- Provide information and access to distance learning courses and degree programs offered by the state's public postsecondary education institutions.
- Coordinate with the Florida College System (FCS) and the State University System (SUS) to identify and provide online academic support services and resources when the multi-institutional provision of such services and resources is more cost or operationally effective.<sup>29</sup>

The chancellors of the Florida College System and the State University System exercise joint oversight of the FLVC and establish its governance and reporting structure, administrative and operational guidelines and processes, staffing requirements, and operational budget.<sup>30</sup>

The FLVC is required to:

- Develop and manage a library information portal and automated library management tools for use by FCS and SUS institutions;
- Develop and manage a statewide Internet-based catalog of distance learning courses, degree programs, and resources offered by public postsecondary education institutions to assist in the coordination and collaboration of articulation and access;
- Implement a streamlined, automated, online admissions application process for undergraduate transient students;
- Develop and manage a statewide computer-assisted student advising system that will support advising, registering, and certifying students for graduation and include a degree audit and articulation component;
- Coordinate the negotiation of statewide licensing of electronic library resources and preferred pricing agreements, issue purchase orders, and enter into contracts for the acquisition of distance learning resources, student and library support services, electronic resources, and other goods and services necessary to carry out its duties;
- Promote and provide recommendations concerning the use and distribution of open-access textbooks and education resources in order to reduce costs and develop a standardized process for reviewing and approving open-access textbooks;
- Provide appropriate help desk support and training and consultation services to institutions and students using FLVC services;
- Identify and evaluate new technologies and instructional methods that can be used to improve distance learning instruction, student learning, the efficient delivery of student support services, and the overall quality of undergraduate distance learning courses and degree programs; and
- Develop and implement a plan that describes the services and resources available at FLVC to encourage student use of the services.

It was anticipated that the consolidation of services and resources provided by the five entities would result in a cost savings.<sup>31</sup> According to the Office of Program Policy and Government Accountability (OPPAGA), as of February 2013, FLVC had made progress toward functioning as a cohesive unit and saved \$1,563,782 by reducing positions and saved an additional \$116,586 by renegotiating leases; however, the FLVC still maintained three separate locations, one in which the lease agreement obligates FLVC to pay for unused space. Additionally, FLVC maintained an \$8 million reserve balance for which the obligations were unclear.<sup>32</sup>

OPPAGA also noted that FLVC did not have a process that ensured its core services met legislative expectations and user needs and lacked a plan for how and when it would focus its resources on priority issues. Specific issues, include the following:

<sup>29</sup> Section 1006.73(1), F.S.

<sup>30</sup> Section 1006.73(2), F.S.

<sup>31</sup> OPPAGA Presentation, *Progress of Florida Virtual Campus*, Feb. 13, 2014, available at <http://www.oppaga.state.fl.us/Presentations.aspx>.

<sup>32</sup> *Id.*

- FLVC had not taken adequate steps to ensure students are aware of and can easily use FLVC services;
- The FLVC Website is difficult to navigate and use;
- The FLVC advising system is out of date and used by relatively few students;
- The distance learning catalog is functional but does not incorporate an online analytical tool to provide usage and course request data required by law;
- The FCS and SUS integrated library systems still operate separately; and
- There is no discovery tool incorporating university and college libraries.<sup>33</sup>

### Licensing Electronic Library Resources

Current law provides parameters for cost efficient and cost effective licensing of electronic library resources. The law outlines a process for identifying shared core resources among institutions that must be made available to all public postsecondary education students. The FCS and SUS must annually report to the Governor and the chairs of the legislative appropriations committee the cost savings realized as a result of the collaborative licensing process.

### **Effect of Proposed Changes**

#### Complete Florida Plus Program

The bill creates the Complete Florida Plus Program at the University of West Florida and transfers the requirements and responsibilities related to online student support services currently administered through the Florida Virtual Campus (FLVC) to this program. The consolidation of duties and resources will streamline and maximize services to all Florida students pursuing postsecondary degrees.

The bill renames the Complete Florida Degree Program<sup>34</sup> to the Complete Florida Degree Initiative and provides that UWF will continue to administer the initiative under the Complete Florida Plus Program.

In addition to the Complete Florida Degree Initiative, the bill stipulates that the other primary purposes of Complete Florida Plus are to:

- Provide information and access to distance learning courses and degree programs offered by the state's public postsecondary education institutions;
- Coordinate with the FCS and the SUS to identify and provide online academic support services and resources when multi-institutional provision of such services and resources is more cost or operationally effective; and
- Administer the Florida Library Automation Cooperative (FLAC) in consultation with the chancellors of the FCS and SUS regarding implementation and operations of FLAC.

The bill transfers responsibility for implementation of the following services and resources currently assigned to the FLVC to the Complete Florida Plus Program, and requires the program to:

- Develop and manage a statewide Internet-based catalog of distance learning courses, degree programs, and resources offered by public postsecondary education institutions to assist in the coordination and collaboration of articulation and access;
- Implement a streamlined online admissions application process for undergraduate transient students;
- Develop and manage a statewide computer-assisted student advising system that will support advising, registering, and certifying students for graduation and include a degree audit and articulation component;

<sup>33</sup> *Id.*

<sup>34</sup> Section 1006.735, F.S.

- Provide appropriate help desk support and training and consultation services to institutions and students using Complete Florida Plus services;
- Coordinate the negotiation of statewide licensing of resources and preferred pricing agreements, issue purchase orders, and enter into contracts for the acquisition of distance learning resources, student support services, electronic resources, and other goods and services necessary to carry out its duties;
- Identify and evaluate new technologies and instructional methods that can be used to improve distance learning instruction, student learning, the efficient delivery of student support services, and the overall quality of undergraduate distance learning courses and degree programs; and
- Develop and implement a plan in consultation with public postsecondary institutions that describes the services and resources available at Complete Florida Plus to encourage student use of the resources and services.

### Florida Library Automation Cooperative

The bill establishes the Florida Library Automation Cooperative (FLAC) and reassigns all the duties and resources related to online library support services currently administered by the FLVC to the cooperative. The cooperative shall be administered by a director who will report to the director of the Complete Florida Plus Program.

The bill requires the director of FLAC to:

- Exercise all powers, duties, and functions of the center prescribed by law;
- Administer the operational requirements of the center;
- Hire professional and administrative staff necessary to administer the duties of the center; and
- Keep administrative staff to the minimum necessary to administer the duties of the center.

The bill transfers all records, personnel, property, existing contracts, and unexpended balances of appropriations, allocations, grants, and other funds of the FLVC to UWF and designates UWF as the successor in interest to the FLVC that is responsible for the provision of all services authorized. The bill requires the University of West Florida to submit an annual report regarding the implementation and operation of the Complete Florida Plus Program and the Florida Library Automation Cooperative, by December 31 each year, to the President of the Senate and the Speaker of the House of Representatives.

In order for the required changes to be accomplished with minimal disruption of services to the FCS institutions, SUS institutions, and their staff and students, the bill establishes a transition period between the effective date of the act and December 31, 2014. The bill directs the Board of Governors, on behalf of the UWF, to develop and submit to the Legislative Budget Commission a budget amendment that includes a transition plan for absorbing the transfer of FLVC resources to the UWF.

The bill repeals section 1006.72 and incorporates provisions relating to licensing of electronic library resources into the FLAC.

### Transfer of Credit

The bill requires the Articulation Coordinating Committee (ACC) to make recommendations to the Legislature regarding the costs and requirements to develop and implement an online system for collecting and analyzing data regarding requests for transfers of credit by postsecondary education students. The ACC must report recommendations to the Speaker of the House of Representatives and the President of the Senate no later than January 31, 2015.

The bill expedites the process by which the ACC receives industry certification statewide articulation agreement proposals for review and recommendation to the State Board of Education by requiring the Chancellor of Career and Adult Education to submit proposals for articulation of credit no less than 90



days after the State Board of Education adopts an industry certification for inclusion on the industry certification funding list.

**B. SECTION DIRECTORY:**

Section 1. Amends s. 1001.11, F.S., providing that the Commissioner of Education shall oversee the development and implementation of a strategic plan for establishing digital classrooms.

Section 2. Amends s. 1001.20, F.S., requiring the Department of Education to develop and update a strategic plan for establishing digital classrooms and providing plan requirements.

Section 3. Amends s. 1006.281, F.S., defining the term "district digital classrooms system"; providing that a school district shall develop and annually update a plan for establishing the digital classrooms system; providing content and reporting requirements for the plan; providing access and reporting requirements for the digital classrooms system; providing that the State Board of Education shall adopt rules to establish minimum standards for a district digital classrooms system

Section 4. Repeals s. 1006.282, F.S., relating to a pilot program for the transition to electronic and digital instructional materials.

Section 5. Amends s. 1006.29, F.S., deleting provisions for the publication of minimum and recommended technology requirements.

Section 6. Repeals s. 1006.72, F.S., relating to licensing of electronic library resources.

Section 7. Amends s. 1006.73, F.S., deleting provisions establishing the Florida Virtual Campus; establishing the Florida Library Automation Cooperative; providing duties of the cooperative; providing that the University of West Florida shall hire a director for the cooperative, who shall report to the director of the Complete Florida Plus Program; providing duties of the director; providing reporting requirements for the University of West Florida.

Section 8. Amends s. 1006.735, F.S., creating the Complete Florida Plus Program at the University of West Florida; providing purpose; establishing the Complete Florida Degree Initiative; providing implementation and requirements for the initiative; authorizing the program to develop and manage a catalog of distance learning courses; providing catalog requirements; authorizing the program to make online support and services available to postsecondary students; providing requirements for such support and services; providing that the program shall make a statewide advising service available to all postsecondary students; providing requirements for the advising service; providing that the program shall support a K-20 career and education planning system and interface the statewide advising service with state university advising systems; transferring records, personnel, property, and other assets and liabilities of the Florida Virtual Campus to the University of West Florida; providing that the University of West Florida is the successor in interest to the Florida Virtual School; requiring the University of West Florida to submit an annual report to the Legislature regarding the program.

Section 9. Amends s. 1007.01, F.S., providing that the Articulation Coordinating Committee shall make recommendations to the Legislature regarding the development of an online system for analyzing student credit transfers; providing requirements for the system; providing that the committee shall review proposals for industry certifications; providing that the Chancellor of Career and Adult Education must provide certain articulation recommendations to the committee within a specified period.

Section 10. Amends s. 1007.27, F.S., to correct a cross reference.

Section 11. Amends s. 1009.23, F.S., to correct a cross reference.

Section 12. Amends s. 1009.24, F.S., to correct a cross reference.

Section 13. Transfers all records, personnel, property, pending issues, and unexpended balances of appropriations, allocations, and other funds of the FLVC to the UWF; provides specifications relating to current contracts and service agreements; establishes a transition period between the effective date of the act and December 31, 2014, and directs the Board of Governors, on behalf of the UWF, to develop and submit to the Legislative Budget Commission a budget amendment that includes a transition plan for absorbing the transfer of FLVC resources to the UWF.

Section 14. Provides an effective date of July 1, 2014.

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

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

1. Revenues:

None.

2. Expenditures:

None.

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

1. Revenues:

None.

2. Expenditures:

None.

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

None.

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

The bill directs the Board of Governors, on behalf of the UWF, to develop and submit to the Legislative Budget Commission a budget amendment that includes a transition plan for absorbing the transfer of FLVC resources to the UWF. Upon approval of the amendment, \$22,945,044 will be transferred to UWF.

## **III. COMMENTS**

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

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

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

The bill requires the State Board of Education to establish in rule minimum standards for a district digital classrooms system.

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

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

1    A bill to be entitled  
 2            An act relating to digital student learning and  
 3            support services; amending s. 1001.11, F.S.; providing  
 4            that the Commissioner of Education shall oversee the  
 5            development and implementation of a strategic plan for  
 6            establishing digital classrooms; amending s. 1001.20,  
 7            F.S.; requiring the Department of Education to develop  
 8            and update a strategic plan for establishing digital  
 9            classrooms; providing plan requirements; amending s.  
 10           1006.281, F.S.; defining the term "district digital  
 11           classrooms system"; providing that a school district  
 12           shall develop and annually update a plan for  
 13           establishing the digital classrooms system; providing  
 14           content and reporting requirements for the plan;  
 15           providing access and reporting requirements for the  
 16           digital classrooms system; providing that the State  
 17           Board of Education shall adopt rules to establish  
 18           minimum standards for a district digital classrooms  
 19           system; repealing s. 1006.282, F.S., relating to a  
 20           pilot program for the transition to electronic and  
 21           digital instructional materials; amending s. 1006.29,  
 22           F.S., deleting provisions for the publication of  
 23           minimum and recommended technology requirements;  
 24           repealing s. 1006.72, F.S., relating to licensing of  
 25           electronic library resources; amending s. 1006.73,  
 26           F.S.; deleting provisions establishing the Florida

27 Virtual Campus; establishing a Florida Library  
 28 Automation Cooperative; providing duties of the  
 29 cooperative; providing that the University of West  
 30 Florida shall hire a director for the cooperative, who  
 31 shall report to the executive director of the Complete  
 32 Florida Plus Program; providing duties of the  
 33 cooperative's director; providing reporting  
 34 requirements for the University of West Florida;  
 35 amending s. 1006.735, F.S.; creating the Complete  
 36 Florida Plus Program within the Innovation Institute  
 37 at the University of West Florida; providing purpose;  
 38 establishing the Complete Florida Degree Initiative;  
 39 providing implementation and requirements for the  
 40 initiative; authorizing the program to develop and  
 41 manage a catalog of distance learning courses;  
 42 providing catalog requirements; authorizing the  
 43 program to make online support and services available  
 44 to postsecondary students; providing requirements for  
 45 such support and services; providing that the program  
 46 shall make a statewide advising service available to  
 47 all postsecondary students; providing requirements for  
 48 the advising service; providing that the program shall  
 49 support a K-12 career and education planning system  
 50 and interface the statewide advising service with  
 51 state university advising systems; requiring the  
 52 University of West Florida to submit an annual report

53 | to the Legislature regarding the program; amending s.  
 54 | 1007.01, F.S.; providing that the Articulation  
 55 | Coordinating Committee shall make recommendations to  
 56 | the Legislature regarding the development of an online  
 57 | system for analyzing student credit transfers;  
 58 | providing requirements for the system; providing that  
 59 | the committee shall review proposals for industry  
 60 | certifications; providing that the Chancellor of  
 61 | Career and Adult Education must provide certain  
 62 | articulation recommendations to the committee within a  
 63 | specified period; amending ss. 1007.27, 1009.23, and  
 64 | 1009.24, F.S.; conforming provisions; transferring the  
 65 | Florida Virtual Campus to the University of West  
 66 | Florida; providing for termination of a service  
 67 | agreement between the University of Florida Board of  
 68 | Trustees and the Florida Virtual Campus; providing  
 69 | that other contracts and agreements of the Florida  
 70 | Virtual Campus are binding on the University of West  
 71 | Florida; providing legislative findings and intent;  
 72 | directing the Board of Governors to develop and submit  
 73 | to the Legislative Budget Commission a transition plan  
 74 | for transferring Florida Virtual Campus resources to  
 75 | the University of West Florida; providing an effective  
 76 | date.

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

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Section 1. Subsection (8) is added to section 1001.11, Florida Statutes, to read:

1001.11 Commissioner of Education; other duties.-

(8) The commissioner shall oversee the development and implementation of the 5-year strategic plan for establishing Florida digital classrooms as provided in s. 1001.20(4).

Section 2. Paragraph (a) of subsection (4) of section 1001.20, Florida Statutes, is amended to read:

1001.20 Department under direction of state board.-

(4) The Department of Education shall establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(a) Office of Technology and Information Services.-

Responsible for developing a 5-year strategic plan for establishing Florida digital classrooms ~~systemwide technology plan~~ by August 1, 2014, and annually updating the plan by January 1 each year thereafter. The Florida digital classrooms plan shall be provided to each school district and published on the department's website. The plan must:

1. Describe how technology will be integrated into classroom teaching and learning to assist the state in improving student performance outcomes and enable all students in Florida to be digital learners with access to digital tools and resources.

105        2. Describe each school district's progress toward  
 106        compliance with the minimum technology requirements established  
 107        pursuant to this paragraph and the local instructional  
 108        improvement system standards, in particular the standards that  
 109        address instructional practices, assessments and growth, and  
 110        state academic standards and curriculum, adopted in state board  
 111        rule pursuant to s. 1006.281(5).

112        3. Include at least:

113        a. Minimum technology requirements that include  
 114        specifications for hardware, software, devices, networking,  
 115        security, and broadband capacity to facilitate school district  
 116        compliance with the requirement for online assessments under s.  
 117        1008.22(3) and guidelines for the number of students per device  
 118        necessary to enable students to access all electronic and  
 119        digital instructional materials as defined in s. 1006.29.

120        b. Local instructional improvement system standards as  
 121        adopted in state board rule pursuant to s. 1006.281(5).

122        c. Identification of the types of digital tools that can  
 123        be utilized in the classroom to provide students access to and  
 124        interaction with media-rich sources of information.

125        d. Minimum requirements for professional development  
 126        opportunities and training to assist instructional personnel and  
 127        staff with the integration of technology into classroom teaching  
 128        and learning.

129        e. Identification of the types of digital teaching and  
 130        learning resources that can assist instructional personnel and



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131 staff in the management, assessment, and monitoring of student  
 132 learning and performance.

133 (b) The office shall make,~~making~~ budget recommendations  
 134 to the commissioner, ~~providing~~ provide data collection and  
 135 management for the system, ~~assisting~~ assist school districts in  
 136 securing Internet access and telecommunications services,  
 137 including those eligible for funding under the Schools and  
 138 Libraries Program of the federal Universal Service Fund, and  
 139 coordinate ~~coordinating~~ services with other state, local, and  
 140 private agencies. ~~The office shall develop a method to address~~  
 141 ~~the need for a statewide approach to planning and operations of~~  
 142 ~~library and information services to achieve a single K-20~~  
 143 ~~education system library information portal and a unified higher~~  
 144 ~~education library management system.~~

145 Section 3. Section 1006.281, Florida Statutes, is amended  
 146 to read:

147 1006.281 District digital classrooms ~~Local instructional~~  
 148 ~~improvement~~ systems.-

149 (1) The term "district digital classrooms ~~local~~  
 150 ~~instructional improvement~~ system" means a system that integrates  
 151 the use of technology into the classroom to improve student  
 152 performance outcomes and ~~uses electronic and digital tools that~~  
 153 provides ~~provide~~ teachers, administrators, students, and parents  
 154 with data and resources to systematically manage continuous  
 155 instructional improvement. The system supports relevant  
 156 activities such as instructional planning, information gathering

157 and analysis, rapid-time reporting, decisionmaking on  
 158 appropriate instructional sequence, and evaluating the  
 159 effectiveness of instruction through measureable student  
 160 performance outcomes. The system shall integrate instructional  
 161 information with student-level data to provide predictions of  
 162 future student achievement.

163 (2) Each school district shall implement and provide  
 164 teachers, administrators, students, and parents access to a  
 165 district digital classrooms ~~local instructional improvement~~  
 166 system. The system must provide access to:

167 (a) Instructional materials in digital or electronic  
 168 format, as defined in s. 1006.29.

169 (b) Digital materials including those digital materials  
 170 that enable students to earn certificates and industry  
 171 certifications pursuant to s. 1003.4203.

172 (c) Teaching and learning tools and resources, including  
 173 the ability for teachers and administrators to manage, assess,  
 174 and monitor student performance data ~~The system must provide~~  
 175 ~~access to electronic and digital instructional materials and~~  
 176 ~~teaching and learning tools and resources, including the ability~~  
 177 ~~for teachers and administrators to manage, assess, and track~~  
 178 ~~student learning.~~

179 (3)~~(4)~~ The department ~~of Education~~ shall provide advisory  
 180 assistance as requested by school districts in their deployment  
 181 of a district digital classrooms local instructional improvement  
 182 system.

183            ~~(4)(3)~~ By June 30, 2014, a school district ~~district's~~  
 184 digital classrooms local instructional improvement system must  
 185 ~~shall~~ comply with the minimum local instructional improvement  
 186 system standards adopted ~~published~~ by the department ~~of~~  
 187 ~~Education~~ pursuant to subsection (5). The system must allow for  
 188 a single, authenticated sign-on and include the following  
 189 functionality:

190            (a) Provides vertical searches ~~Vertically searches~~ for,  
 191 gathers, and organizes specific standards-based instructional  
 192 materials.

193            (b) Enables teachers to prepare lessons, individualize  
 194 student instruction, and use best practices in providing  
 195 instruction, including the ability to connect student assessment  
 196 data with electronic and digital instructional materials as  
 197 defined in s. 1006.29.

198            (c) Provides communication, including access to up-to-date  
 199 student performance data, in order to help teachers and parents  
 200 better serve the needs of students.

201            (d) Provides access for administrators to effectuate  
 202 ~~ensure~~ quality of instruction within every classroom.

203            (e) Enables district staff to plan, create, and manage  
 204 professional development, including professional development  
 205 opportunities that assist staff with the integration of  
 206 technology into classroom teaching and learning, and to connect  
 207 professional development with staff information and student  
 208 performance data.

209           (f) Provides access to multiple instructional content and  
 210 student assessment providers, including assessment providers  
 211 pursuant to s. 1003.4203, and provides the ability to seamlessly  
 212 connect the digital classrooms ~~local instructional improvement~~  
 213 ~~system~~ to such instructional content and student assessment  
 214 providers ~~electronic and digital content.~~

215           (5) The State Board of Education shall adopt rules  
 216 pursuant to ss. 120.536(1) and 120.54 to administer this  
 217 section, including rules that establish minimum standards for a  
 218 district digital classrooms ~~local instructional improvement~~  
 219 system, including local instructional improvement system  
 220 standards for instructional practices, assessment and growth,  
 221 state academic standards and curriculum, facilitator profile,  
 222 learner profile, analysis and reporting, documentation and  
 223 support, data integration, and information technology platform  
 224 and security. The minimum standards for a district digital  
 225 classrooms system must comply with any applicable requirements  
 226 or standards published by the department pursuant to s.  
 227 1001.20(4)(a) to enable school districts to administer online  
 228 assessments and enable students to access digital materials.

229           (6) On or before December 31, 2014, each school district  
 230 shall develop and submit to the department for approval a  
 231 digital classrooms system plan to improve student performance  
 232 through the district's digital classrooms system. The district  
 233 shall annually update and submit the plan to the department for  
 234 approval in a format and by a date determined by the department.

235        (a) The plan must provide for:  
 236            1. Proposed student performance outcomes and reporting of  
 237 actual student performance for all students resulting from the  
 238 implementation of the digital classrooms system.  
 239            2. Digital classrooms system compliance with applicable  
 240 requirements or standards published by the department pursuant  
 241 to s. 1001.20(4)(a).  
 242            3. Professional development opportunities that assist  
 243 instructional personnel and staff with the integration of  
 244 technology into classroom teaching.  
 245            4. Compliance with requirements for federal technology  
 246 initiatives and grant programs, if the district participates in  
 247 such initiatives or programs.  
 248        (b) The plan must explain how funds appropriated pursuant  
 249 to s. 1011.62 are expended with respect to:  
 250            1. Costs associated with school district use of the  
 251 Florida Information Resource Network established pursuant to s.  
 252 1001.271, and which represent the amount not funded by federal  
 253 funds available through the Schools and Libraries Program,  
 254 commonly cited as the E-rate program, of the federal Universal  
 255 Service Fund administered by the Universal Service  
 256 Administrative Company under direction of the Federal  
 257 Communications Commission.  
 258            2. Costs associated with delivering high-capacity Internet  
 259 access to the district network aggregation location. These costs  
 260 include special construction costs related to new or enhanced

261 fiber or other high-speed network infrastructure deployment to  
 262 the school district network aggregation location or locations,  
 263 school district entrance facility costs associated with the new  
 264 network infrastructure, and network-to-network interconnection  
 265 costs necessary to extend the Florida Information Resource  
 266 Network.

267 3. Costs associated with delivering high-capacity Internet  
 268 access to individual schools. These costs include special  
 269 construction costs related to new or enhanced fiber or other  
 270 high-speed network infrastructure deployment to individual  
 271 schools and individual school entrance facility costs associated  
 272 with the new network infrastructure.

273 4. Costs associated with upgrading the school district  
 274 network infrastructure necessary to deliver high-capacity  
 275 Internet access to each network aggregation location or to the  
 276 individual school. Eligible expenditures include wireless access  
 277 points and controllers, data networking equipment, wireless  
 278 cable drops, routers, and labor costs associated with  
 279 installation.

280 5. Costs associated with acquiring electronic devices that  
 281 comply with technology requirements published by the department  
 282 pursuant to s. 1001.20(4)(a).

283 (7) Beginning August 1, 2015, and annually thereafter, the  
 284 State Board of Education shall provide a report to the Governor,  
 285 the President of the Senate, and the Speaker of the House of  
 286 Representatives describing the progress by each school district

287 in establishing the digital classrooms system and integrating  
 288 such technology into classroom teaching and learning and the  
 289 impact on student performance. The report must include, by  
 290 school and school district, the following information:

291 (a) Total revenues and expenditures associated with the  
 292 school district's implementation of its digital classrooms  
 293 system, including funding provided pursuant to s. 1011.62.

294 (b) Proposed and actual student performance outcomes  
 295 resulting from the implementation of the digital classrooms  
 296 system.

297 (c) The status of each school district's digital  
 298 classrooms system's compliance with the minimum standards  
 299 published by the department.

300 (d) Recommendations for enhanced functionality for the  
 301 digital classrooms system.

302 Section 4. Section 1006.282, Florida Statutes, is  
 303 repealed.

304 Section 5. Subsection (4) of section 1006.29, Florida  
 305 Statutes, is amended to read:

306 1006.29 State instructional materials reviewers.-

307 ~~(4) By October 1, 2013, the department shall publish~~  
 308 ~~minimum and recommended technology requirements that include~~  
 309 ~~specifications for hardware, software, networking, security, and~~  
 310 ~~guidelines on the number of students per device necessary to~~  
 311 ~~ensure that students can access all electronic and digital~~  
 312 ~~instructional materials.~~

313 Section 6. Section 1006.72, Florida Statutes, is repealed.

314 Section 7. Section 1006.73, Florida Statutes, is amended  
315 to read:

316 (Substantial rewording of section. See  
317 s. 1006.73, F.S., for present text.)

318 1006.73 Florida Library Automation Cooperative.—

319 (1) The Florida Library Automation Cooperative is  
320 established to provide a single library automation system and  
321 associated resources and services that all public postsecondary  
322 institutions shall use to support learning, teaching, and  
323 research needs.

324 (2) The Florida Library Automation Cooperative shall:

325 (a) Develop and manage a library information portal and  
326 automated library management tools for use by Florida College  
327 System institutions and state universities. The library  
328 information portal and automated library management tools shall  
329 include, but are not limited to, the following services and  
330 functions:

331 1. A shared Internet-based catalog and discovery tool that  
332 allows a user to search and, if authorized, access the aggregate  
333 library holdings of the state's public postsecondary education  
334 institutions. The catalog and discovery tool shall allow a user  
335 to search the library holdings of one institution, selected  
336 institutions, or all institutions and, to the extent feasible,  
337 shall include an interlibrary loan function that ensures an  
338 authorized user can access the required library holding.



339        2. An Internet-based searchable collection of electronic  
 340 resources which shall include, but not be limited to, full-text  
 341 journals, articles, databases, and electronic books licensed  
 342 pursuant to paragraph (b).

343        3. An integrated library management system and its  
 344 associated services that all public postsecondary education  
 345 institution academic libraries shall use for purposes of  
 346 acquiring, cataloging, circulating, and tracking library  
 347 material.

348        4. A statewide searchable database that includes an  
 349 inventory of digital archives and collections held by public  
 350 postsecondary education institutions.

351        (b) In collaboration with library staff from Florida  
 352 College System institutions and state universities, coordinate  
 353 the negotiation of statewide licensing of electronic library  
 354 resources and preferred pricing agreements, issue purchase  
 355 orders, and enter into contracts for the acquisition of library  
 356 support services, electronic resources, and other goods and  
 357 services necessary to carry out its duties under this section.  
 358 For purposes of licensing electronic library resources from  
 359 funds appropriated to the Complete Florida Plus Program, those  
 360 resources licensed for 4-year degree seeking students shall be  
 361 made available to all 4-year degree seeking students in the  
 362 Florida College System and the State University System.

363        (c) Promote and provide recommendations concerning the use  
 364 and distribution of open-access textbooks and education

365 resources as a method for reducing costs and work with public  
 366 postsecondary education institutions in developing a  
 367 standardized process for the review and approval of open-access  
 368 textbooks.

369 (d) Provide appropriate help desk support and training and  
 370 consultation services to institutions and students using the  
 371 services of the Florida Library Automation Cooperative.

372 (3) The University of West Florida shall hire a director  
 373 for the Florida Library Automation Cooperative who shall report  
 374 to and is under the supervision and direction of the director of  
 375 the Complete Florida Plus Program established pursuant to s.  
 376 1006.735. The director of the Florida Library Automation  
 377 Cooperative shall:

378 (a) Exercise all powers, duties, and functions of the  
 379 cooperative prescribed by law.

380 (b) Administer the operational requirements of the  
 381 cooperative.

382 (c) Hire professional and administrative staff necessary  
 383 to carry out the duties of the cooperative. The director shall  
 384 hire the minimum administrative staff necessary to administer  
 385 the duties of the cooperative.

386 (4) Beginning December 31, 2014, and each year thereafter,  
 387 the University of West Florida shall submit a report to the  
 388 President of the Senate and the Speaker of the House of  
 389 Representatives describing the implementation and operation of  
 390 the Florida Library Automation Cooperative to include, but not

391 be limited to, information and associated costs relating to the  
 392 services and functions identified in subsection (2).

393 Section 8. Section 1006.735, Florida Statutes, is amended  
 394 to read:

395 1006.735 Complete Florida Plus ~~Degree~~ Program.—The  
 396 Complete Florida Plus Program is created at the University of  
 397 West Florida.

398 (1) PURPOSE.—The purpose of the Complete Florida Plus  
 399 Program is to:

400 (a) Facilitate degree completion for the state's adult  
 401 learners through the Complete Florida Degree Initiative.

402 (b) Provide information regarding and access to distance  
 403 learning courses and degree programs offered by public  
 404 postsecondary education institutions within the state.

405 (c) Coordinate with the Florida College System and the  
 406 State University System to identify and provide online academic  
 407 support services and resources when the multi-institutional  
 408 provision of such services and resources is more cost effective  
 409 or operationally effective.

410 (d) Administer the Florida Library Automation Cooperative  
 411 established in s. 1006.73 and consult with the chancellors of  
 412 the Florida College System and State University System regarding  
 413 the implementation and operations of the cooperative.

414 (2) ~~(1)~~ COMPLETE FLORIDA DEGREE INITIATIVE.—The Complete  
 415 Florida Degree Initiative Program is established within the  
 416 Complete Florida Plus Program for the purpose of recruiting,

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417 recovering, and retaining the state's adult learners and  
418 assisting them in completing an associate degree or a  
419 baccalaureate degree that is aligned to high-wage, high-skill  
420 workforce needs. As used in this section, the term "adult  
421 learner" means a student who has successfully completed college-  
422 level coursework in multiple semesters but has left an  
423 institution in good standing before completing his or her  
424 degree. The initiative program shall give priority to adult  
425 learners who are veterans or active duty members of the United  
426 States Armed Forces.

427 (a)(2) The Complete Florida Degree Initiative Program  
428 shall be implemented ~~by the University of West Florida, acting~~  
429 ~~as the lead institution,~~ in coordination with Florida College  
430 System institutions, state universities, and private  
431 postsecondary institutions, as appropriate. The initiative  
432 ~~program~~ shall include the associate, applied baccalaureate, and  
433 baccalaureate degree programs that these institutions have  
434 selected. Other partnering public postsecondary education  
435 institutions shall provide areas of specialization or  
436 concentration.

437 (b)(3) In determining ~~For purposes of selecting~~ the degree  
438 programs that will be given priority, ~~in~~ the Complete Florida  
439 Degree Initiative Program, ~~the institutions identified in~~  
440 ~~subsection (2)~~ shall partner with public and private job  
441 recruitment and placement agencies and shall use labor market  
442 data and projections, including those identified in the Board of

443 Governors' gap analysis, to identify ~~the~~ specific workforce  
 444 needs and targeted occupations of the state.

445 (c)(4) The Complete Florida Degree Initiative Program  
 446 shall provide adult learners with a single point of access to  
 447 information and links to innovative online and accelerated  
 448 distance learning courses, student and library support services,  
 449 and electronic resources that will guide the adult learner  
 450 toward the successful completion of a postsecondary degree.

451 ~~(5) By the end of the 2013-2014 academic year, the~~  
 452 ~~Complete Florida Degree Program shall be implemented and must:~~

453 ~~(a) Use the distance learning course catalog established~~  
 454 ~~pursuant to s. 1006.73 to communicate course availability to the~~  
 455 ~~adult learner.~~

456 ~~(b) Develop and implement an advising and student support~~  
 457 ~~system that includes the use of degree completion specialists,~~  
 458 ~~is based upon best practices and processes, and includes~~  
 459 ~~academic and career support services designed specifically for~~  
 460 ~~the adult learner. The program must identify proposed changes to~~  
 461 ~~the statewide computer-assisted student advising system~~  
 462 ~~established pursuant to s. 1006.73 to assist the adult learner~~  
 463 ~~in using the system.~~

464 ~~(c) Use the streamlined, automated, online admissions~~  
 465 ~~application process for transient students established pursuant~~  
 466 ~~to s. 1006.73. The program shall identify any additional~~  
 467 ~~admissions and registration policies and practices that could be~~  
 468 ~~further streamlined and automated for purposes of assisting the~~

469 ~~adult learner.~~

470 (d) The Complete Florida Degree Initiative must:

471 1. Use existing and, if necessary, develop new competency-  
 472 based instructional and evaluation tools to assess prior  
 473 performance, experience, and education for the award of college  
 474 credit in order to reduce the time required for adult learners  
 475 to complete their degrees. The tools may include the use of the  
 476 American Council on Education's collaborative link between the  
 477 United States Department of Defense and higher education through  
 478 the review of military training and experiences for the award of  
 479 equivalent college credit for members of the United States Armed  
 480 Forces.

481 2.~~(e)~~ Develop and implement an evaluation process that  
 482 collects, analyzes, and provides to the chancellors of the  
 483 Florida College System and the State University System, the  
 484 participating postsecondary education institutions, the chairs  
 485 of the legislative appropriations committees, and the Executive  
 486 Office of the Governor information on the effectiveness of the  
 487 initiative ~~program~~ and the attainment of its goals. Such a  
 488 process shall include a management information system that  
 489 collects the appropriate student, programmatic, and fiscal data  
 490 necessary to complete the evaluation of the initiative ~~program~~.  
 491 Institutions involved in the initiative ~~program~~ shall also  
 492 collect job placement and employment data on the adult learners  
 493 who have completed their degrees as a result of the initiative  
 494 ~~program~~.

495           ~~3.(f)~~ Develop and implement a statewide student  
 496 recruitment campaign targeted toward adult learners,  
 497 particularly veterans and active duty members of the United  
 498 States Armed Forces, for enrollment in the degree programs  
 499 offered through the initiative ~~program~~.

500           ~~(e)(6)~~ For purposes of the Complete Florida Degree  
 501 Initiative ~~Program~~, each institution's current tuition and fee  
 502 structure shall be used. However, all participating institutions  
 503 shall collaboratively identify the applicable cost components  
 504 involved in the development and delivery of distance learning  
 505 courses, collect information on these cost components, and  
 506 submit the information to the chancellors of the Florida College  
 507 System and the State University System. The chancellors shall  
 508 submit a report to the chairs of the legislative appropriations  
 509 committees no later than December 31, 2014, on the need for a  
 510 differentiated tuition and fee structure for the development and  
 511 delivery of distance learning courses.

512           (3) STATEWIDE INTERNET-BASED CATALOG OF DISTANCE LEARNING  
 513 COURSES.—The Complete Florida Plus Program shall develop and  
 514 manage a statewide Internet-based catalog of distance learning  
 515 courses, degree programs, and resources offered by public  
 516 postsecondary education institutions which is intended to assist  
 517 in the coordination and collaboration of articulation and access  
 518 pursuant to parts II and III of chapter 1007. The program shall  
 519 establish operational procedures for the catalog which must:

520           (a) Require participating institutions to provide specific

521 information concerning the distance learning course or degree  
 522 program, including course number, classification of  
 523 instructional programs number, and information on the  
 524 availability of the course or degree program; any prerequisite  
 525 course or technology competency or skill; the availability of  
 526 academic support services and financial aid resources; and  
 527 course costs, fees, and payment policies.

528 (b) Require that distance learning courses and degree  
 529 programs meet applicable accreditation standards and criteria.

530 (c) Require that the catalog is reviewed and updated  
 531 frequently to ensure that distance learning courses and degree  
 532 programs comply with operational procedures.

533 (d) Define and describe the catalog's search and retrieval  
 534 options that, at a minimum, will allow users to search by  
 535 academic term or course start date; institution, multiple  
 536 institutions, or all institutions; and course or program  
 537 delivery methods, course type, course availability, subject or  
 538 discipline, and course number or classification of instructional  
 539 programs number.

540 (e) Use an Internet-based analytic tool that allows for  
 541 the collection and analysis of data, including, but not limited  
 542 to:

543 1. The number and type of students who use the catalog to  
 544 search for distance learning courses and degree programs.

545 2. The number and type of requests for information about  
 546 distance learning courses and degree programs that are not



547 listed in the catalog.

548 3. A summary of specific requests by course type or course  
 549 number, delivery method, offering institution, and semester.

550 (4) STATEWIDE ONLINE STUDENT ADVISING SERVICES AND  
 551 SUPPORT.—The Complete Florida Plus Program shall make available  
 552 to all postsecondary students on a statewide basis online  
 553 services and support, including:

554 (a) A streamlined online admissions application process,  
 555 which shall be used by all postsecondary institutions, for  
 556 undergraduate transient students currently enrolled and pursuing  
 557 a degree at a public postsecondary education institution who  
 558 enroll in a course offered by a public postsecondary education  
 559 institution that is not the student's degree-granting  
 560 institution. The University of West Florida shall work with  
 561 Florida College System institutions and state universities to:

562 1. Use the transient student admissions application  
 563 available through the statewide computer-assisted student  
 564 advising system established pursuant to paragraph (b). This  
 565 admissions application is the only application required for  
 566 enrollment of a transient student as described in this  
 567 paragraph.

568 2. Implement the financial aid procedures required by the  
 569 transient student admissions application process.

570 3. Transfer credit awarded by the institution offering the  
 571 course to the transient student's degree-granting institution.

572 4. Provide an interface between the institutional advising

573 system and the statewide computer-assisted student advising  
 574 system established pursuant to paragraph (b) in order to  
 575 electronically send, receive, and process the transient student  
 576 admissions application.

577 (b) Manage a K-20 statewide computer-assisted student  
 578 advising system. The system shall support career and education  
 579 planning for the K-12 system, the process of advising,  
 580 registering, and certifying postsecondary students for  
 581 graduation and include a degree audit and an articulation  
 582 component. Florida College System institutions and state  
 583 universities shall interface institutional advising systems with  
 584 the statewide computer-assisted student advising system. At a  
 585 minimum, the statewide computer-assisted student advising system  
 586 shall:

- 587 1. Allow a student to access the system at any time.
- 588 2. Support K-12 career and education planning required by  
 589 s. 1003.4156(1)(e).

590 3. Allow a student to search public postsecondary  
 591 education institutions and identify course options that will  
 592 meet the requirements of a selected path toward a degree.

593 4. Audit transcripts of students enrolled in a public  
 594 postsecondary education institution to assess current academic  
 595 standing, the requirements for a student to transfer to another  
 596 institution, and all requirements necessary for graduation.

597 5. Serve as the official statewide repository for the  
 598 common prerequisite manual, admissions information for

599 transferring programs, foreign language requirements, residency  
 600 requirements, and statewide articulation agreements.

601 6. Provide information relating to career descriptions and  
 602 corresponding educational requirements, admissions requirements,  
 603 and available sources of student financial assistance.

604 7. Provide the admissions application for transient  
 605 students pursuant to paragraph (c) which must include the  
 606 electronic transfer and receipt of information and records for:

607 a. Admissions and readmissions.

608 b. Financial aid.

609 c. Transfer of credit awarded by the institution offering  
 610 the course to the transient student's degree-granting  
 611 institution.

612 (c) Identify and evaluate new technologies and  
 613 instructional methods for improving distance learning  
 614 instruction and development for faculty, student learning  
 615 outcomes, student access, the efficient delivery of student  
 616 support services, the alignment of degrees to career needs, and  
 617 the overall quality of postsecondary distance learning courses  
 618 and degree programs.

619 (d) Provide appropriate help desk support and training and  
 620 consultation services to institutions and students using the  
 621 services and resources of the Complete Florida Plus program.

622 (e) Coordinate the negotiation of statewide licensing  
 623 resources and preferred pricing agreements, issue purchase  
 624 orders, and enter into contracts for the acquisition of distance

625 learning resources, student and support services, electronic  
 626 resources, and other goods and services necessary to carry out  
 627 duties under this section.

628 (f) In consultation with public postsecondary education  
 629 institutions, develop and implement a plan that describes the  
 630 services and resources available through the Complete Florida  
 631 Plus program to encourage current and prospective students' use  
 632 of such services and resources.

633 (5) Beginning December 31, 2014, and each year thereafter,  
 634 the University of West Florida shall submit a report to the  
 635 President of the Senate and the Speaker of the House of  
 636 Representatives regarding the implementation and operation of  
 637 all components of the Complete Florida Plus Program, including  
 638 but not limited to, information and associated costs relating to  
 639 the services and functions of the program.

640 ~~(7) The University of West Florida, in collaboration with~~  
 641 ~~its partners, shall submit to the chairs of the Board of~~  
 642 ~~Governors, the State Board of Education, and the legislative~~  
 643 ~~appropriations committees no later than September 1, 2013, a~~  
 644 ~~detailed program plan that defines the major work activities,~~  
 645 ~~student eligibility criteria, timeline, and cost for~~  
 646 ~~implementing the Complete Florida Degree Program.~~

647 Section 9. Paragraph (h) of subsection (3) of section  
 648 1007.01, Florida Statutes, is amended, and paragraphs (i) and  
 649 (j) are added to that subsection, to read:

650 1007.01 Articulation; legislative intent; purpose; role of

651 the State Board of Education and the Board of Governors;  
 652 Articulation Coordinating Committee.-

653 (3) The Commissioner of Education, in consultation with  
 654 the Chancellor of the State University System, shall establish  
 655 the Articulation Coordinating Committee, which shall make  
 656 recommendations related to statewide articulation policies and  
 657 issues regarding access, quality, and reporting of data  
 658 maintained by the K-20 data warehouse, established pursuant to  
 659 ss. 1001.10 and 1008.31, to the Higher Education Coordination  
 660 Council, the State Board of Education, and the Board of  
 661 Governors. The committee shall consist of two members each  
 662 representing the State University System, the Florida College  
 663 System, public career and technical education, K-12 education,  
 664 and nonpublic postsecondary education and one member  
 665 representing students. The chair shall be elected from the  
 666 membership. The Office of K-20 Articulation shall provide  
 667 administrative support for the committee. The committee shall:

668 (h) Recommend roles and responsibilities of public  
 669 education entities in interfacing with the single, statewide  
 670 computer-assisted student advising system established pursuant  
 671 to s. 1006.735 ~~1006.73~~.

672 (i) Make recommendations regarding the cost and  
 673 requirements to develop and implement an online system for  
 674 collecting and analyzing data regarding requests for transfer of  
 675 credit by postsecondary education students. The system, at a  
 676 minimum, must collect information regarding the total number of

677 credit transfer requests denied and the reason for each denial.  
 678 Recommendations shall be reported to the President of the Senate  
 679 and the Speaker of the House of Representatives on or before  
 680 January 31, 2015.

681 (j) Review statewide articulation agreement proposals for  
 682 industry certifications and make recommendations to the State  
 683 Board of Education for approval. Once an industry certification  
 684 is adopted by the State Board of Education for inclusion on the  
 685 industry certification funding list, the Chancellor of Career  
 686 and Adult Education must, within 90 days, provide  
 687 recommendations for articulation of postsecondary credit for  
 688 related degrees for the approved certifications to the  
 689 Articulation Coordinating Committee.

690 Section 10. Subsection (1) of section 1007.27, Florida  
 691 Statutes, is amended to read:

692 1007.27 Articulated acceleration mechanisms.-

693 (1) It is the intent of the Legislature that a variety of  
 694 articulated acceleration mechanisms be available for secondary  
 695 and postsecondary students attending public educational  
 696 institutions. It is intended that articulated acceleration serve  
 697 to shorten the time necessary for a student to complete the  
 698 requirements associated with the conference of a high school  
 699 diploma and a postsecondary degree, broaden the scope of  
 700 curricular options available to students, or increase the depth  
 701 of study available for a particular subject. Articulated  
 702 acceleration mechanisms shall include, but are not limited to,

703 dual enrollment and early admission as provided for in s.  
 704 1007.271, advanced placement, credit by examination, the  
 705 International Baccalaureate Program, and the Advanced  
 706 International Certificate of Education Program. Credit earned  
 707 through the Florida Virtual School shall provide additional  
 708 opportunities for early graduation and acceleration. Students of  
 709 Florida public secondary schools enrolled pursuant to this  
 710 subsection shall be deemed authorized users of the state-funded  
 711 electronic library resources that are licensed for Florida  
 712 College System institutions and state universities by the  
 713 Florida Library Automation Cooperative ~~Florida Virtual Campus~~.

714 Verification of eligibility shall be in accordance with rules  
 715 established by the State Board of Education and regulations  
 716 established by the Board of Governors and processes implemented  
 717 by Florida College System institutions and state universities.

718 Section 11. Paragraphs (a) and (c) of subsection (16) and  
 719 subsection (17) of section 1009.23, Florida Statutes, are  
 720 amended to read:

721 1009.23 Florida College System institution student fees.—

722 (16) (a) Each Florida College System institution may assess  
 723 a student who enrolls in a course listed in the distance  
 724 learning catalog, established pursuant to s. 1006.735 ~~1006.73~~, a  
 725 per-credit-hour distance learning course user fee. For purposes  
 726 of assessing this fee, a distance learning course is a course in  
 727 which at least 80 percent of the direct instruction of the  
 728 course is delivered using some form of technology when the

729 student and instructor are separated by time or space, or both.

730 (c) If an institution assesses the distance learning fee,  
 731 the institution must provide a ~~The link to~~ ~~for~~ the catalog ~~must~~  
 732 ~~be prominently displayed~~ within the advising and distance  
 733 learning sections of the institution's website, using a graphic  
 734 and description provided by the Complete Florida Plus Program  
 735 ~~Florida Virtual Campus~~, to inform students of the catalog.

736 (17) Each Florida College System institution that accepts  
 737 transient students, pursuant to s. 1006.735 ~~1006.73~~, may  
 738 establish a transient student fee not to exceed \$5 per course  
 739 for processing the transient student admissions application.

740 Section 12. Paragraph (t) of subsection (14) and  
 741 paragraphs (a) and (c) of subsection (17) of section 1009.24,  
 742 Florida Statutes, are amended to read:

743 1009.24 State university student fees.—

744 (14) Except as otherwise provided in subsection (15), each  
 745 university board of trustees is authorized to establish the  
 746 following fees:

747 (t) A transient student fee that may not exceed \$5 per  
 748 course for accepting a transient student and processing the  
 749 transient student admissions application pursuant to s. 1006.735  
 750 ~~1006.73~~.

751  
 752 With the exception of housing rental rates and except as  
 753 otherwise provided, fees assessed pursuant to paragraphs (h)-(s)  
 754 shall be based on reasonable costs of services. The Board of



755 | Governors shall adopt regulations and timetables necessary to  
 756 | implement the fees and fines authorized under this subsection.  
 757 | The fees assessed under this subsection may be used for debt  
 758 | only as authorized under s. 1010.62.

759 |       (17)(a) A state university may assess a student who  
 760 | enrolls in a course listed in the distance learning catalog,  
 761 | established pursuant to s. 1006.735 ~~1006.73~~, a per-credit-hour  
 762 | distance learning course fee. For purposes of assessing this  
 763 | fee, a distance learning course is a course in which at least 80  
 764 | percent of the direct instruction of the course is delivered  
 765 | using some form of technology when the student and instructor  
 766 | are separated by time or space, or both.

767 |       (c) If an institution assesses the distance learning fee,  
 768 | the institution must provide a ~~The link to~~ ~~for~~ the catalog ~~must~~  
 769 | ~~be prominently displayed~~ within the advising and distance  
 770 | learning sections of the institution's website, using a graphic  
 771 | and description provided by the Complete Florida Plus Program  
 772 | ~~Florida Virtual Campus,~~ to inform ~~informing~~ students of the  
 773 | catalog.

774 |       Section 13. (1) All records, personnel, property, pending  
 775 | issues, and unexpended balances of appropriations, allocations,  
 776 | and other funds of the Florida Virtual Campus are transferred to  
 777 | the University of West Florida.

778 |       (2) Except for the service agreement executed July 1,  
 779 | 2012, between the University of Florida Board of Trustees and  
 780 | the Florida Virtual Campus for the University of Florida to be

781 the administrative contract institution of the Florida Virtual  
 782 Campus, all other binding contracts or agreements entered into  
 783 and between the Florida Virtual Campus or an entity or agent of  
 784 the campus and any other agency, entity, or person shall  
 785 continue as a binding contract or agreement of the University of  
 786 West Florida for the remainder of the term of such contract or  
 787 agreement.

788 (3) The service agreement executed July 1, 2012, between  
 789 the University of Florida Board of Trustees and the Florida  
 790 Virtual Campus for the University of Florida to be the  
 791 administrative contract institution for the Florida Virtual  
 792 Campus shall terminate December 31, 2014, or upon the transfer,  
 793 whichever occurs first.

794 (4) It is the intent of the Legislature that the changes  
 795 made by this act be accomplished with minimal disruption of  
 796 services provided to Florida College System institutions, state  
 797 universities, and their staffs and students. Therefore, the  
 798 Legislature finds that the transition period between the  
 799 effective date of this act and December 31, 2014, is appropriate  
 800 and warranted.

801 (5) The Board of Governors, on behalf of the University of  
 802 West Florida, shall develop and submit to the Legislative Budget  
 803 Commission a budget amendment that includes a transition plan  
 804 for absorbing the transfer of the Florida Virtual Campus  
 805 resources to the University of West Florida.

806 Section 14. This act shall take effect July 1, 2014.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7165 (2014)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Education Appropriations  
2 Subcommittee

3 Representative McBurney offered the following:

4

5 **Amendment**

6 Remove line 96 and insert:

7 plan by October 1, 2014, and annually updating the plan by

8



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7165 (2014)

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	_____	

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1 Committee/Subcommittee hearing bill: Education Appropriations  
2 Subcommittee

3 Representative McBurney offered the following:

4

5 **Amendment**

6 Remove line 284 and insert:

7 commissioner shall provide a report to the Governor,

8



