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# Education Committee

**Thursday, February 6, 2014**

**9:00 AM – 11:00 AM**

**102 HOB**

**Meeting Packet**

**Will Weatherford**  
Speaker

**H. Marlene O'Toole**  
Chair



## AGENDA

Education Committee

Thursday, February 6, 2014

9:00 a.m. – 11:00 a.m.

102 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Presentation by the Commissioner of Education, Commissioner Pam Stewart
- IV. Consideration of the following bill(s):
  - HB 113 Discretionary Sales Surtaxes by Fresen
  - CS/HB 137 Edison State College by Higher Education & Workforce Subcommittee, Hudson
- V. Closing Remarks and Adjournment



# Proposed Florida Education Plan for 2014-2016

House Education  
February 6, 2014

Pam Stewart  
Commissioner of Education

*Florida Department of*  
**EDUCATION**

# Overview

## ❖ Background

- Governor's Summit
- Governor's Executive Order

## ❖ Standards

- Public review

## ❖ Assessment

- Selection of a new assessment

## ❖ School Accountability

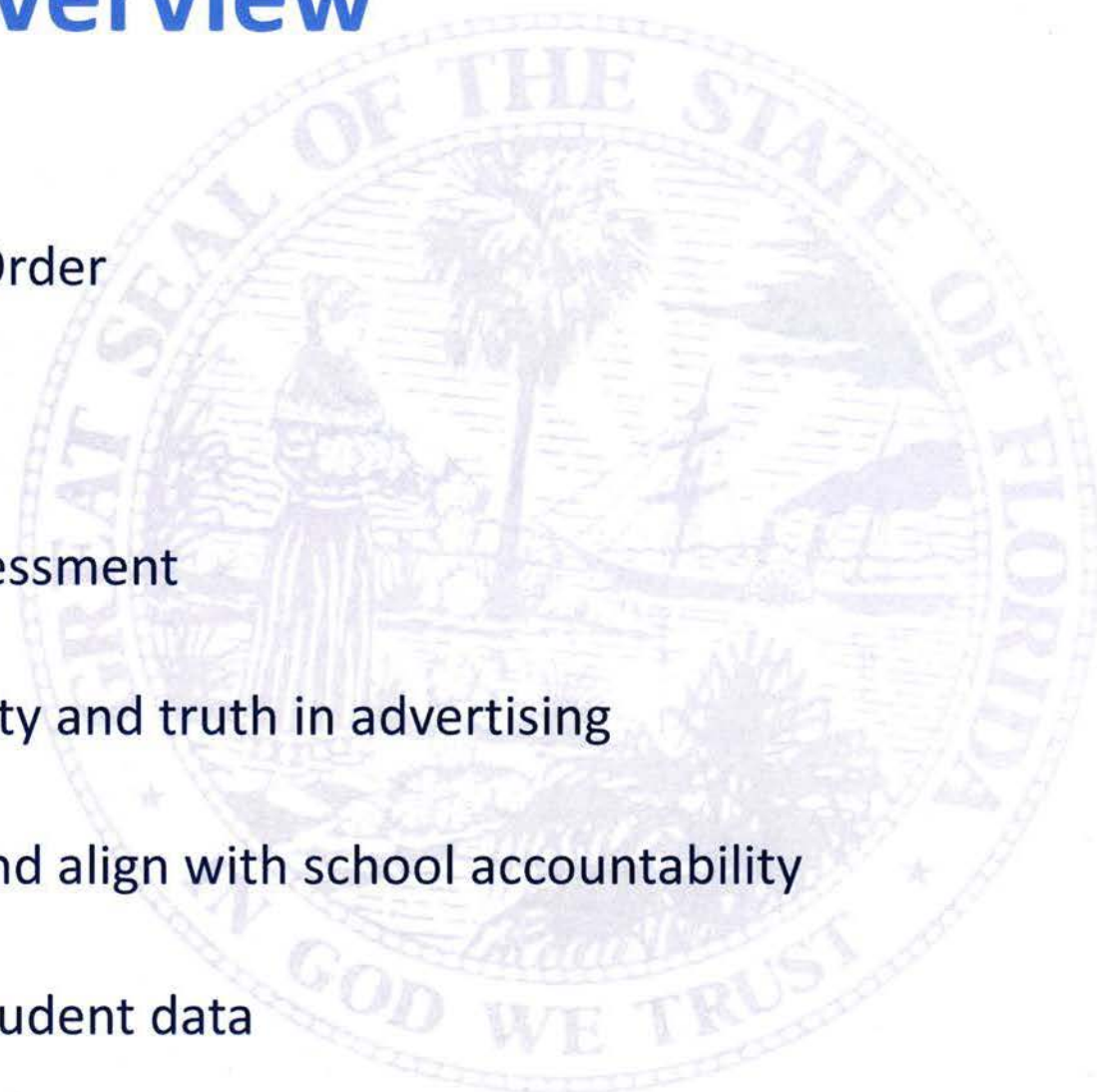
- Provide clarity, simplicity and truth in advertising

## ❖ Teacher Evaluation

- Ensure sustainability and align with school accountability

## ❖ Data Security

- Ensure protection of student data





# Governor's Education Accountability Summit

## Purpose

To provide an open opportunity to discuss ideas and options to continue improving Florida's public school system

- Three day event - August 26 – 28
- Focus on four strategic priorities
- Included a variety of Education partners and stakeholders
- Participant input was made available to the public
- Summative statements from participants helped to formulate the subsequent Governor's Executive Order

# Governor's Executive Order (13-276)

## Associated Documents

### ❖ Standards

- Initiate process for public input
- Reject federal mandates related to curriculum, assessments or instructional materials
- Reject adoption of standards text exemplars

### ❖ State Standards Assessments

- Establish an open process to procure Florida's next assessment via competitive solicitation
- Terminate Florida's role as fiscal agent for Partnership for Assessment of Readiness for College and Careers (PARCC)

### ❖ Student Data Security

- Conduct a student data security review
- Ensure adequate protections
- Recommend legislative changes



# Governor's Executive Order (13-276) and Associated Documents

## ❖ School Accountability System

- Recommendations to provide stability and clarity with the transition to a new assessment
- Pursue Florida's course of action regarding English Language Learners (ELL) in the ESEA waiver
- Recommendations to ensure the accountability system is fair and transparent and promotes improvement in student outcomes

## ❖ Teacher Evaluation

- Propose a plan to ensure successful implementation of teacher evaluations



# Standards

- Public input specifically requested by Governor Scott
  - Three public hearings - Tampa, Davie, Tallahassee
    - 922 comments from 115 speakers during 13 hours of testimony
- Additional input
  - Email and website submissions for full month
    - 1,678 email comments from 683 constituents
    - 19,422 website comments from 1,681 constituents

# Standards

Timeline for review and revision of Standards based on public and educator input

- Third party report – December 31
- Expert panel review – conducted December 18-21
  - Consists of Florida Educators at the school, district and postsecondary levels
- Publicly notice standards revisions for SBOE consideration
- Re-open web site for additional public comments (stays open until February SBOE meeting)
- Additional Public hearings on rule revisions – January 14
- Status presentation on review process was provided to SBOE at January meeting
- SBOE considers adoption of new standards at February meeting



# Example

In response to constituents concerns that cursive writing was not an explicit requirement of the English language arts standards, experts proposed to include cursive writing as the natural progression of current language standards.

**(Red indicates proposed additions.)**

## Conventions of Standard English

Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.

- K. Print many upper- and lowercase letters.
- 1<sup>st</sup>. Print all upper- and lowercase letters.
- 2<sup>nd</sup>. Demonstrate legible printing skills.**
- 3<sup>rd</sup>. Demonstrate beginning cursive writing skills.**
- 4<sup>th</sup>. Demonstrate legible cursive writing skills.**
- 5<sup>th</sup>. Demonstrate fluent and legible cursive writing skills.**



## Example

The following proposed addition to a 1st grade mathematics standard to ensure students ability to break down two-digit numbers as sets of tens and ones; required for demonstrating an understanding of the base-ten system and multi-digit addition and subtraction.

Understand that the two digits of a two-digit number represent amounts of tens and ones.

- a. 10 can be thought of as a bundle of ten ones — called a “ten.”
- b. The numbers from 11 to 19 are composed of a ten and one, two, three, four, five, six, seven, eight, or nine ones.
- c. The numbers 10, 20, 30, 40, 50, 60, 70, 80, 90 refer to one, two, three, four, five, six, seven, eight, or nine tens (and 0 ones).
- d. **Decompose two-digit numbers in multiple ways (e.g., 64 can be decomposed into 6 tens and 4 ones or into 5 tens and 14 ones).**

# Assessment

## Executive Order and Associated Documents

- Issue a competitive solicitation to select an assessment aligned to Florida’s adopted standards
- Terminate fiscal agent relationship PARCC
  - Transfer to State of Maryland complete as of December 31<sup>st</sup>



# Assessment

Timeline to complete selection of the best assessment for Florida

- Competitive Procurement:
  - Invitation to Negotiate (ITN) issued – Oct. 25
  - ITN closed – Dec. 16th
  - Five applications received
  - Review of applications on January 10th
  - Negotiations with eligible applicants began January 28th
- Commissioner makes assessment decision in March



# Assessment

- Key considerations from the Executive Order
  - Provides timely and informative reports of results
  - Includes costs that are in line with current assessment costs
  - Ensures that testing time for students is not significantly different from current assessments
  - Provides for summative assessments to occur as close as possible to the end of the school year
  - Measures student mastery of the standards taught, including comparability to other states
  - Includes test quality metrics that are as rigorous as current assessments
  - Provides results that can be used in conjunction with Florida's school accountability system
  - Requires technology parameters that are defined and can be supported, including appropriate accommodations for students with disabilities

# School Accountability

## Executive Order and Associated Documents

- Provide stability and clarity to the school accountability system during the transition to a new state assessment
  - No changes to the current school grading system during the transition, except those currently directed by existing statute or State Board of Education rule
- Resubmit ESEA waiver regarding ELL student achievement measures
- Recommend changes that may require statute or rule revisions
  - Simplified, more transparent school grading system designed to promote college and career ready students using the new standards



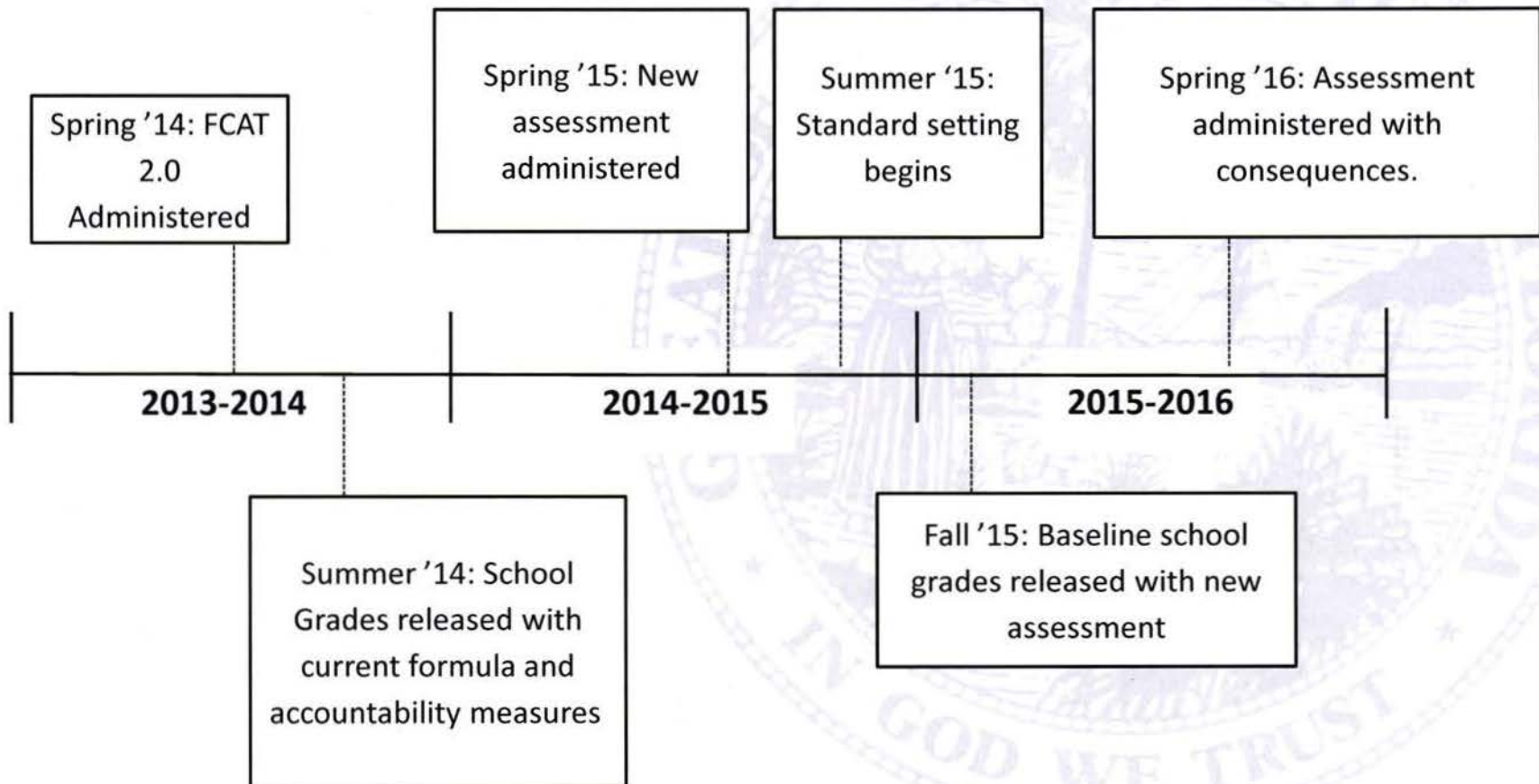
# School Accountability Transition

Transition to a simplified, more transparent school grading system designed to promote college and career ready students using the new Florida Standards:

- Current system will remain in place until the end of 2013-14 school year when FCAT 2.0 (Reading, Writing and Mathematics) expires.
- When Florida students take the new assessment for the first time, student performance level expectations (“cut scores”) will not yet exist
- Setting student performance level expectations first in the summer immediately following the first administration of the new assessment, allows for a new baseline calculation of School Grades in the fall, which accurately reflects student performance on the new standards and assessment, not simply a statistical link back to old expectations
- This baseline, informational approach in the first year, provides everyone – parents, schools, districts, the general public – a clear understanding of a student’s and a school’s **starting point** on the new, more rigorous standards and assessments – **truth in advertising**
- It is this baseline performance that must be apparent and upon which schools must build to **improve the outcomes for all Florida students**



# Proposed Assessment Timeline



# School Accountability Transition

## School Grades

- The transition plan includes no interruption in current support to underperforming schools through our Differentiated Accountability teams
- There would be no **new** school turnaround options required for one year as a result of the 2014-15 baseline School Grades



# School Accountability Revisions

Some key considerations in transitioning to a simplified, more transparent School Grading System designed to promote college and career ready students using the new Florida Standards:

- Re-focus the School Grading formula on student success measures
  - Achievement
  - Learning gains
  - Graduation
- Include all students
- Ensure a focus on students who need the most support
- Avoid provisions that over-complicate the formula and muddle the meaning of a school grade (e.g., bonus factors, additional weighting, additional requirements, automatic adjustments, etc.)
- Ensure that the level of performance associated with an A-F school grade is transparently evident
  - Report A-F grades based on a percentage of points earned (e.g., 70%, 80%), rather than a point total
- After the baseline year, release grades for all schools in the summer at the same time

# Teacher Evaluations

- Ensure stable implementation for local teacher and principal evaluations through the transition to a new assessment.
- Clarify options for district student assessments to ensure best choices for students, which will support evaluations that are relevant for all teachers and evaluation systems that are sustainable
- Provide districts that are showing success with flexibility in deciding a portion of the student outcome data included in the evaluation



# Data Security

## Executive Order and Associated Documents

- Conduct a student data security review
  - Report was provided to the Governor  
December 31, 2013
- Make recommendations for rule or statutory revisions
- Ensure no release of student education records without written consent of student or parent - except as authorized by state statute, federal law or subpoena/court order

# Data Security

## Student data security review

- All systems with student personal identifiable information (PII) have been identified and reviewed for security risks
- Third party security, Inspector General, security assessments completed
- Auditor General Assessment almost completed
- Security policies are being revised based on assessment findings and recommendations
- LBR funding has been requested for:
  - Additional security monitoring services
  - Infrastructure consolidation
  - Re-writing legacy systems with security risks
- Developing a unique personal identifier called the Florida Education Identifier (FLEID) that will improve data security and accuracy



# Data Security

## Data Security Report – Released December 31<sup>st</sup>

- Legislative Recommendations:
  - Changes to s. 1002.22, F.S.
    - Notice to parents and students of rights
    - Prohibit collection of biometric information
    - Prohibit disclosure of student records except as authorized by state statute, or subpoena/court order
    - Require designation of directory information at public meeting
- Additional Recommendations:
  - All systems under review to ensure the data fields being received or distributed comply with statutes
  - Improve or establish and support Data Governance, Project Governance, and Technology Standards
  - Encryption policy and procedures are being clarified and strengthened

# Next Steps

- Standards
  - State Board review of public comments and recommendations occurred at January 21<sup>st</sup> meeting
  - Website open this month for public comments on revised Standards
  - Face-to-face and web based public hearings were held January 14<sup>th</sup>
  - SBOE considers standards rule for adoption at February 18<sup>th</sup> meeting
- Assessments
  - ITN evaluation meeting occurred Friday January 10<sup>th</sup>
  - Negotiations with eligible applicants began January 28<sup>th</sup>
  - Commissioner makes assessment decision in March









29           212.055 Discretionary sales surtaxes; legislative intent;  
 30 authorization and use of proceeds.—It is the legislative intent  
 31 that any authorization for imposition of a discretionary sales  
 32 surtax shall be published in the Florida Statutes as a  
 33 subsection of this section, irrespective of the duration of the  
 34 levy. Each enactment shall specify the types of counties  
 35 authorized to levy; the rate or rates which may be imposed; the  
 36 maximum length of time the surtax may be imposed, if any; the  
 37 procedure which must be followed to secure voter approval, if  
 38 required; the purpose for which the proceeds may be expended;  
 39 and such other requirements as the Legislature may provide.  
 40 Taxable transactions and administrative procedures shall be as  
 41 provided in s. 212.054.

42           (9) HIGHER EDUCATION SURTAX.—A county as defined in s.  
 43 125.011(1), pursuant to an ordinance that is conditioned to take  
 44 effect only upon approval by a majority vote of the electors of  
 45 the county voting in a referendum, may levy a surtax of up to  
 46 0.5 percent for the benefit of a Florida College System  
 47 institution and a state university as defined in s. 1000.21  
 48 located in the county.

49           (a) The ordinance must set forth a plan for using the  
 50 surtax proceeds for the benefit of the Florida College System  
 51 institution and the state university by each of the  
 52 institutions' boards of trustees. Such plans must provide for  
 53 the permissible uses of the surtax proceeds, including, but not  
 54 limited to, the maintenance, improvement, and expansion of  
 55 academic and workforce training programs; teaching enhancements;  
 56 capital expenditures and infrastructure projects; fixed capital

57 costs associated with the construction, reconstruction,  
 58 renovation, maintenance, or improvement of facilities and  
 59 campuses that have a useful life expectancy of at least 5 years;  
 60 deferred maintenance; land improvement, design, and engineering  
 61 costs related thereto; and the expansion and enhancement of  
 62 facilities at all institution sites within the county. The  
 63 proceeds from the surtax may be used by a state university for  
 64 land acquisition for parcels that are contiguous with its  
 65 existing main campus. The proceeds of the surtax must be set  
 66 aside and invested as permitted by law, with the principal and  
 67 income to be used for the purposes listed in this subsection as  
 68 administered by the board of trustees.

69 (b) The expense of holding the referendum may not be paid  
 70 with student fees or moneys that the institution receives from  
 71 the state, but shall be paid only with funds received from  
 72 private sources or with college auxiliary funds. The county must  
 73 provide at least 30 days' notice of the election as provided  
 74 under s. 100.342.

75 (c) The referendum providing for the imposition of the  
 76 surtax shall include a statement that provides a brief and  
 77 general description of the purposes for which the proceeds of  
 78 the surtax may be used, conform to the requirements of s.  
 79 101.161, and be placed on the ballot by the governing body of  
 80 the county. The following question shall be placed on the  
 81 ballot:

82  
 83 FOR THE. . . .CENTS TAX  
 84 AGAINST THE. . . .CENTS TAX



85  
 86 (d) Upon approval of the referendum, 90 percent of the  
 87 proceeds from the surtax must be transferred by the department  
 88 into a Florida Prime account managed by the State Board of  
 89 Administration and used only for the operation, maintenance, and  
 90 administration of the Florida College System institution within  
 91 that county and 10 percent of the proceeds from the surtax must  
 92 be transferred by the Department of Revenue into a Florida Prime  
 93 account managed by the State Board of Administration and used  
 94 only for the operation, maintenance, land acquisition, and  
 95 administration of the state university.

96 (e) Upon approval of the referendum, an oversight board  
 97 shall be established to review and accept or amend expenditures  
 98 of the proceeds of the surtax and to review the plan prepared by  
 99 the boards of trustees pursuant to paragraph (f). Annually, or  
 100 as needed, the oversight board shall meet to approve each  
 101 proposed spending plan.

102 1. The board shall be composed of seven members who are  
 103 residents of the county and appointed as follows:

104 a. One member appointed by the board of directors of the  
 105 chamber of commerce of the county in which the institutions are  
 106 located.

107 b. One member of the board of directors of the chapter of  
 108 the United Way in the county in which the institutions are  
 109 located appointed by the board of directors of that chapter of  
 110 the United Way.

111 c. One member appointed by the board of trustees of the  
 112 state university who may not be a member of the board of

113 trustees of the state university.

114 d. Two members appointed by the board of trustees of the  
 115 Florida College System institution who may not be members of the  
 116 board of trustees of the Florida College System institution.

117 e. Two members appointed by the chair of the county  
 118 legislative delegation.

119 2. Initial appointments to the oversight board shall be  
 120 made by the respective entities within 60 days after the passage  
 121 of the referendum. Each member shall be appointed for a 4-year  
 122 term and may be reappointed. A vacancy on the board shall be  
 123 filled for the unexpired portion of the term in the same manner  
 124 as the original appointment.

125 (f) Consistent with the purposes set forth in the plan  
 126 included in the ordinance under paragraph (a), the board of  
 127 trustees of the Florida College System institution and the board  
 128 of trustees of the state university shall annually prepare plans  
 129 that specify how each board of trustees intends to allocate and  
 130 expend the funds for the institutions' upcoming fiscal year and  
 131 submit such plans to the oversight board for approval.

132 (g) The annual apportionment of state funds for the  
 133 support of a state university and a Florida College System  
 134 institution allocated under general law may not be reduced  
 135 because the institutions have received funds pursuant to a sales  
 136 surtax levied under this subsection.



137 (h) A surtax imposed under this subsection expires 5 years  
 138 after the effective date of the surtax.

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



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 113 Discretionary Sales Surtaxes  
**SPONSOR(S):** Fresen  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 66

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Finance & Tax Subcommittee	13 Y, 4 N	Flieger	Langston
2) Education Committee		Thomas 	Mizereck 
3) Appropriations Committee			

### SUMMARY ANALYSIS

The bill creates a ninth discretionary sales and use surtax in s. 212.055, F.S. This newly created "Higher Education Surtax" allows a county as defined in s. 125.011(1), F.S., to levy a surtax of up to 0.5 percent for the benefit of a Florida College System institution and a state university as defined by s. 1000.21, F.S., which is located within that county. To levy the surtax, a qualifying county must approve an ordinance via referendum subject to current law notification and ballot requirements.

Permissible uses of tax proceeds include, but are not limited to, expansion of academic and workforce training programs, teaching enhancements, and various types of fixed capital outlay.

The expense of holding the referendum, which may be held in a special election, may not be paid using student fees or state funding. The referendum must be paid only through funds received from private donors or with college auxiliary funds.

Should the referendum be successful, the surtax will last for 5 years. The funds raised by the surtax will be subject to oversight by a seven member board created by the bill.

The bill requires that 90 percent of the proceeds from the surtax be transferred to a Florida Prime account to be managed by the State Board of Administration (SBA) and used for the operation, maintenance, and administration of the Florida College System institution within that county and 10 percent of the proceeds from the surtax be transferred to a Florida Prime account to be managed by the SBA and used for the operation, maintenance, land acquisition, and administration of the state university within that county.

Currently, Miami-Dade is the only county in Florida whose charter satisfies the definition in s. 125.011(1), F.S. The only Florida College System institution and state university located within Miami-Dade County are Miami-Dade College and Florida International University, respectively. The bill prohibits any reduction in the annual apportionment of state funds allocated to support a Florida College System institution or a state university as a result of having received funds from a Higher Education Surtax.

The impact of the bill is indeterminate because it requires future county governing board action and voter approval. The bill has not been evaluated by the Revenue Estimating Conference. Finance and Tax committee staff estimate that, should it be approved, a 0.5 percent surtax in Miami-Dade County could raise \$224M in annual revenue.

The bill takes effect upon becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

Section 212.055, F.S., authorizes counties to impose eight local discretionary sales surtaxes on all transactions occurring in the county subject to the state tax imposed on sales, use, services, rental, admissions, and other transactions by ch. 212, F.S., and on communications services as defined in ch. 202, F.S.<sup>1</sup> The discretionary sales surtax is based on the rate in the county where the taxable goods or services are sold, or delivered into, and is levied in addition to the state sales and use tax of 6 percent. The surtax does not apply to sales price above \$5,000 on any item of tangible personal property. This \$5,000 cap does not apply to the sale of any service, rentals of real property, or transient rentals.

The eight discretionary sales surtaxes and their maximum rates are:

- Charter County and Regional Transportation System Surtax, 1 percent
- Emergency Fire Rescue Services and Facilities Surtax, 1 percent
- Local Government Infrastructure Surtax, 1 percent
- Small County Surtax, 1 percent
- Indigent Care and Trauma Center Surtax, 0.5 percent
- County Public Hospital Surtax, 0.5 percent
- School Capital Outlay Surtax, 0.5 percent
- Voter-Approved Indigent Care Surtax, 1 percent

Every county is eligible to levy the School Capital Outlay and Local Government Infrastructure Surtaxes, the others have varying requirements. Section 212.055, F.S., further provides caps on the combined rates. The maximum discretionary sales surtax that any county can levy depends upon the county's eligibility. Currently, the highest surtax imposed is 1.5 percent in several counties,<sup>2</sup> however, the theoretical maximum combined rate ranges between 2 percent and 3.5 percent, depending on the specifics of each individual county.<sup>3</sup>

Section 212.054, F.S., requires that any increase or decrease in a discretionary sales surtax must take effect on January 1.

Of the four discretionary sales surtaxes Miami-Dade may levy, the county currently levies a 0.5 percent Charter County and Regional Transportation Surtax and a 0.5 percent County Public Hospital Surtax.

##### Effect of the Proposed Changes

The bill creates a ninth discretionary surtax in s. 212.055, F.S. The "Higher Education Surtax" allows a county as defined in s. 125.011(1), F.S.,<sup>4</sup> to levy a surtax of up to 0.5 percent for the benefit of a Florida College System institution and a state university as defined by s. 1000.21, F.S.,<sup>5</sup> which is located within that county. Miami-Dade is the only county in Florida whose charter satisfies the definition in s.

<sup>1</sup> The tax rates, duration of the surtax, method of imposition, and proceed uses are individually specified in s. 212.055, F.S. General limitations, administration, and collection procedures are set forth in s. 212.054, F.S.

<sup>2</sup> See DOR Form DR-15 DSS, "Discretionary Sales Surtax Information", available at <http://dor.myflorida.com/dor/forms/2013/dr15dss.pdf> (last visited 1/31/2013).

<sup>3</sup> See pg. 216-217 of the REC's 2013 Florida Tax Handbook, available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2013.pdf> (last visited 1/9/14)

<sup>4</sup> A county "operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred."

<sup>5</sup> <http://data.fldoe.org/workforce/contacts/default.cfm?action=showList&ListID=52> (last accessed 1/9/14)



125.011(1), F.S., though Hillsborough and Monroe County are authorized to operate under such a charter. The qualifying institutions currently located within Miami-Dade are Miami-Dade College and Florida International University.

To levy the surtax, a qualifying county must approve an ordinance via referendum. The ordinance must set forth the permissible uses of the surtax proceeds, which may include, but are not limited to, expansion of academic and workforce training programs, teaching enhancements, and various types of fixed capital outlay. The expense of holding the referendum may not be paid using student fees or state funding; the referendum must be paid only through funds received from private donors or with college auxiliary funds. The surtax expires 5 years after enactment.

The bill provides that if the referendum is successful, a seven member oversight board shall be established to provide guidance and accountability for the expenditure of the revenue raised by the surtax. The board will annually meet to approve proposed spending plans. Members will be appointed to 4 year terms and may be reappointed.

The board shall be composed of:

- One member appointed by the board of directors of the chamber of commerce of the county in which the institutions are located,
- One member of the board of directors of the chapter of the United Way in the county in which the institutions are located appointed by the board of directors of that chapter of the United Way,
- One member appointed by the board of trustees of the state university who may not be a member of the board of trustees of the state university,
- Two members appointed by the board of trustees of the Florida College System institution who may not be members of the board of trustees of the Florida College System institution, and
- Two members appointed by the chair of the county legislative delegation.

The board of trustees of each the Florida College System institution and state university must annually prepare plans that specify how each board of trustees intends to allocate and expend the funds for the institution's upcoming fiscal year and submit such plan to the oversight board for approval.

The bill requires that 90 percent of the proceeds from the surtax must be transferred to a Florida Prime account to be managed by the State Board of Administration (SBA) and used for the operation, maintenance, and administration of the Florida College System institution and 10 percent of the proceeds from the surtax must be transferred to a Florida Prime account to be managed by the SBA and used for the operation, maintenance, land acquisition for parcels that are contiguous with its main campus, and administration of the state university.

The bill prohibits any reduction in the annual apportionment of state funds allocated to support a Florida College System institution or a state university as a result of having received funds from a Higher Education Surtax.

#### B. SECTION DIRECTORY:

Section 1. Amends s. 212.055, F.S., creating a ninth discretionary surtax.

Section 2. Provides an effective date.

## 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:

The impact of the bill is indeterminate because it requires future county governing board action and voter approval. The bill has not been evaluated by the Revenue Estimating Conference. Based on the estimated countywide distribution of a 1 percent surtax in the Office of Demographic Research 2013 Local Government Financial Information Handbook, Finance and Tax staff estimate that, should it be approved, a 0.5 percent surtax in Miami-Dade could raise \$224M in annual revenue.<sup>6</sup>

2. Expenditures:

None.

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

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

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<sup>6</sup> Office of Economic and Demographic Research, 2013 Local Government Financial Information Handbook, pg 163. Available at <http://edr.state.fl.us/Content/local-government/reports/lgfi13.pdf> (last accessed 1/9/14)



B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**





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 Committee  
2 Representative Hudson offered the following:

**Amendment (with directory and title amendments)**

Between lines 19 and 20, insert:

(s) Pasco-Hernando State Community College, which serves  
Hernando and Pasco Counties.

-----

**D I R E C T O R Y   A M E N D M E N T**

Remove line 9 and insert:

Section 1. Paragraphs (f) and (s) of section

Amendment No. 1

18  
19  
20  
21  
22  
23  
24  
25  
26

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**T I T L E   A M E N D M E N T**

Remove lines 2-5 and insert:

An act relating to the renaming of Florida College System institutions; amending 1000.21, F.S.; renaming Edison State College and Pasco-Hernando Community College as "Florida SouthWestern State College" and "Pasco-Hernando State College," respectively; providing an effective date.

1                                   A bill to be entitled  
 2           An act relating to Edison State College; amending s.  
 3           1000.21, F.S.; renaming Edison State College as  
 4           "Florida SouthWestern State College"; providing an  
 5           effective date.

6  
 7   Be It Enacted by the Legislature of the State of Florida:

8  
 9           Section 1. Paragraph (f) of subsection (3) of section  
 10          1000.21, Florida Statutes, is amended to read:

11           1000.21 Systemwide definitions.—As used in the Florida K-  
 12          20 Education Code:

13           (3) "Florida College System institution" except as  
 14          otherwise specifically provided, includes all of the following  
 15          public postsecondary educational institutions in the Florida  
 16          College System and any branch campuses, centers, or other  
 17          affiliates of the institution:

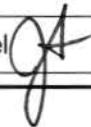
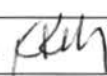
18           (f) Florida SouthWestern ~~Edison~~ State College, which  
 19          serves Charlotte, Collier, Glades, Hendry, and Lee Counties.

20           Section 2. This act shall take effect July 1, 2014.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 137 Edison State College  
**SPONSOR(S):** Higher Education and Workforce Subcommittee and Hudson  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 236

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	11 Y, 0 N, As CS	Ammel	Sherry
2) Education Committee		Ammel 	Mizereck 

### SUMMARY ANALYSIS

Current law permits an institution in the Florida College System to change its name and use the designation "college" or "state college" if the name change has been approved by the institution's district board of trustees, the institution has been authorized to grant baccalaureate degrees, and the institution has been accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools. A district board of trustees that approves such a name change must seek statutory codification of the name change during the next regular legislative session. Edison College was renamed Edison State College in the 2009 legislative session, Chapter 2009-228, pursuant to this authority.

The bill changes the name of "Edison State College" to "Florida SouthWestern State College" to avoid a possible violation of trademark rights of two other "Edison" institutions in the country. The institution has met all statutory requirements for a name change.

The fiscal impact of the bill is indeterminate. (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**

With the approval of its district board of trustees, a Florida college may change the name of the institution as listed in s. 1000.21(3), F.S., and use the designation "college" or "state college" if it has been authorized to grant baccalaureate degrees and has been accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools.<sup>1</sup> A district board of trustees that approves the use of the designation "college" or "state college" must seek statutory codification of the name change during the next regular legislative session.<sup>2</sup>

##### Edison State College

Edison College changed its name to Edison State College (ESC) in 2009 in accordance with the above statutory requirements.<sup>3</sup> There are at least two other higher education institutions that use the name "Edison" as part of their name<sup>4</sup>, and neither is related to ESC; however there is substantial likelihood that these institutions have superior legal rights to use "Edison" in certain areas of the United States. Therefore, to the extent that ESC advertises or promotes its educational services or provides educational services through a distance learning program in other states, ESC risks violating the trademark rights of one of the other "Edison" institutions. Additionally, Thomas Edison State College owns a federal registration trademark THOMAS EDISON STATE COLLEGE that was granted prior to 2008. ESC did not adopt its current name until 2009, so it faces substantial limits in using the mark EDISON STATE COLLEGE.<sup>5</sup>

ESC has met the statutory requirements for a name change.<sup>6</sup> specified in s. 1001.60(2)(b)1., F.S. ESC was authorized to offer baccalaureate degrees on April 19, 2005 and had the baccalaureate degrees accredited by SACS on December 10, 2007.<sup>7</sup> The institution's board of trustees adopted the new name "Florida SouthWestern State College" at the September 24, 2013, board of trustees meeting.<sup>8</sup>

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

The bill amends s. 1000.21, F.S., to change the name of "Edison State College" to "Florida SouthWestern State College." The college has complied with the statutory requirement for its name change.

#### B. SECTION DIRECTORY:

**Section 1:** Amends s. 1000.21, F.S., renaming Edison State College as Florida SouthWestern State College.

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

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<sup>1</sup> Section 1001.60(2)(b)1., F.S.

<sup>2</sup> Section 1001.60(2)(c), F.S.

<sup>3</sup> Sections 2 and 3, ch. 2009-228, L.O.F.

<sup>4</sup> Edison Community College in Ohio and Thomas Edison State College in New Jersey *per* Department of Education Analysis of HB 137 (Nov. 15, 2013).

<sup>5</sup> *Ibid.*

<sup>6</sup> Section 1001.60(2)(b)1., F.S.

<sup>7</sup> *Ibid.*

<sup>8</sup> Edison State College District Board of Trustees Meeting Minutes (Sep. 24, 2013), *available at* <http://www.edison.edu/viewdoc.php?id=294383>.

## 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:

There will be costs with an institutional name change with regard to signage, publications, documentation, and other related items; however, such costs are indeterminable. The college estimates that it will cost \$300,000 to implement the name change; however, no tax payer dollars will be used.<sup>9</sup>

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

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.



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

On January 8, 2014, the Higher Education and Workforce Subcommittee reported HB 137 favorably as a committee substitute. The committee adopted one technical amendment that changed the spelling of the college name from Florida South Western State College to Florida SouthWestern State College. This analysis is drafted to the committee substitute as passed by the Higher Education and Workforce Subcommittee.