



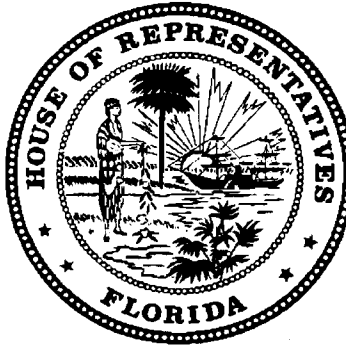
Higher Education & Workforce Subcommittee

**Wednesday, March 18, 2015
9:00 a.m. – 11:00 a.m.
102 HOB**

Meeting Packet

**Steve Crisafulli
Speaker**

**Elizabeth Porter
Chair**



AGENDA

Higher Education & Workforce Subcommittee
Wednesday, March 18, 2015
9:00 a.m. – 11:00 a.m.
102 HOB

- I. Call to Order and Roll Call
- II. Opening Remarks
- III. Consideration of the following proposed committee bill(s):
 - PCB HEWS 15-02 -- Postsecondary Options for Students with Disabilities
- IV. Consideration of the following proposed committee substitute(s):
 - PCS for HB 759 -- Florida College System Boards of Trustees
- V. Consideration of the following bill(s):
 - HB 747 Florida Bright Futures Scholarship Program by Rooney
 - HB 4005 Licenses to Carry Concealed Weapons or Firearms by Steube
- VI. Closing Remarks and Adjournment

1 A bill to be entitled
 2 An act relating to postsecondary options for students
 3 with disabilities; creating s. 1004.6501, F.S.;
 4 providing a short title; providing purposes and
 5 legislative intent; defining terms; establishing the
 6 Florida Center for Students with Unique Abilities;
 7 providing center duties and responsibilities;
 8 providing for Florida Postsecondary Comprehensive
 9 Transition Programs at eligible institutions;
 10 requiring the center to oversee the programs;
 11 providing for application, application submission
 12 deadlines, and approval and renewal process for the
 13 programs; requiring certain information to be included
 14 on the application; requiring the programs to provide
 15 certain notification and to submit an annual report;
 16 providing student eligibility for program admittance;
 17 requiring the center to provide a report to the
 18 Governor, Legislature, Chancellor of the State
 19 University System, and Commissioner of Education and
 20 to provide certain recommendations to the Legislature;
 21 providing for rulemaking; repealing s. 19, chapter
 22 2014-184, Laws of Florida; abrogating the scheduled
 23 repeal of s. 1003.438, F.S., relating to special high
 24 school graduation requirements for certain exceptional
 25 students; providing an effective date.
 26

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

28
 29 Section 1. Section 1004.6501, Florida Statutes, is created
 30 to read:

31 1004.6501 Florida Postsecondary Comprehensive Transition
 32 Program and Florida Center for Students with Unique Abilities.-

33 (1) SHORT TITLE.-This section shall be known and may be
 34 cited as the "Florida Postsecondary Comprehensive Transition
 35 Program Act."

36 (2) PURPOSE AND LEGISLATIVE INTENT.-The purpose of this
 37 section is to increase independent living, inclusive and
 38 successful experiential postsecondary education, and employment
 39 opportunities for students with intellectual disabilities
 40 through degree, certificate, and nondegree programs and to
 41 establish statewide coordination of the dissemination of
 42 information regarding programs and services for students with
 43 disabilities. It is the intent of the Legislature that students
 44 with intellectual disabilities and students with disabilities be
 45 provided the opportunity to obtain important postsecondary
 46 education credentials and participate in meaningful campus
 47 experiences.

48 (3) DEFINITIONS.-As used in this section, the term:

49 (a) "Center" means the Florida Center for Students with
 50 Unique Abilities.

51 (b) "Director" means the director of the center.

52 (c) "Eligible institution" means a state university, a

53 Florida College System institution, a career center, a charter
 54 technical career center, or an independent college or university
 55 that is eligible to participate in the William L. Boyd, IV,
 56 Florida Resident Access Grant Program.

57 (d) "FPCTP" means a Florida Postsecondary Comprehensive
 58 Transition Program that is approved pursuant to subsection (5)
 59 and offered by an eligible institution.

60 (e) "Transitional student" means a student who is at least
 61 18 but not older than 26 years of age who meets the eligibility
 62 requirements of paragraph (5)(e).

63 (4) FLORIDA CENTER FOR STUDENTS WITH UNIQUE ABILITIES.-
 64 There is established within the University of Central Florida
 65 the Florida Center for Students with Unique Abilities. The
 66 center shall:

67 (a) Disseminate information to students with disabilities
 68 and their parents, which must include, but is not limited to,
 69 information relating to:

70 1. Education programs, services, and resources that are
 71 available at eligible institutions.

72 2. Supports, accommodations, technical assistance, and
 73 training programs provided by eligible institutions, the
 74 advisory council established under s. 383.141, and regional
 75 autism centers established under s. 1004.55.

76 3. Mentoring, networking, and employment opportunities.

77 (b) Coordinate, facilitate, and oversee the statewide
 78 implementation of this section, including, but not limited to,

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79 creating the application, deadlines for the submission of an
80 application, and the approval and renewal process for an FPCTP
81 under subsection (5).

82 (c) Consult and collaborate with the National Center for
83 Information and Technical Support for Postsecondary Students
84 with Disabilities and the coordinating center established under
85 20 U.S.C. s. 1140q regarding guidelines established by the
86 Florida Center for Students with Unique Abilities for the
87 effective implementation of programs for students with
88 disabilities and for students with intellectual disabilities
89 that align with the federal requirements and standards, quality
90 indicators, and benchmarks identified by the National Center for
91 Information and Technical Support for Postsecondary Students
92 with Disabilities and the coordinating center.

93 (d) Consult and collaborate with the Higher Education
94 Coordinating Council to identify important credentials for
95 FPCTPs and to engage businesses and stakeholders in the
96 promotion of experiential training and employment opportunities
97 for students with intellectual disabilities.

98 (e) Provide information and technical assistance to
99 administrators, instructors, staff, and other interested parties
100 at an eligible institution relating to programs and services for
101 students with intellectual disabilities, which must include, but
102 are not limited to:

103 1. Holding meetings and annual workshops to share
104 successful practices and address issues or concerns.

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105 2. Facilitating collaboration between eligible
106 institutions, school districts, private schools, and the parents
107 of students enrolled in home education programs to better assist
108 students with intellectual disabilities and their parents in
109 planning for the transition of such students into an FPCTP or
110 another program at an eligible institution.

111 3. Assisting eligible institutions with FPCTP and federal
112 comprehensive transition and postsecondary program applications.

113 4. Assisting eligible institutions with the identification
114 of funding sources for an FPCTP and for student financial
115 assistance for students enrolled in an FPCTP.

116 5. Monitoring federal and state law relating to the
117 comprehensive transition program and notifying the Legislature,
118 the Governor, the Board of Governors, and the State Board of
119 Education of any change in law that may impact the
120 implementation of this section.

121 (f) Plan, advise, and evaluate approved degree,
122 certificate, and nondegree programs and evaluate the performance
123 of students and FPCTPs using the performance indicators included
124 in the application pursuant to subparagraph (5)(c)6.

125 (5) FLORIDA POSTSECONDARY COMPREHENSIVE TRANSITION
126 PROGRAMS.—Any eligible institution desiring to offer an FPCTP
127 shall submit an application to the center in a manner prescribed
128 by the center. The application must be approved by the eligible
129 institution's governing board and be submitted by the
130 institution's president or director by a date established by the

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131 center.

132 (a) Notwithstanding the program approval requirements of
133 s. 1004.03, within 30 days after receipt of an application from
134 an eligible institution to offer an FPCTP, the director shall
135 issue a recommendation for approval of the application to the
136 Chancellor of the State University System, if the institution is
137 a state university, or the Commissioner of Education, for all
138 other eligible institutions, or give written notice to the
139 eligible institution of any deficiencies in the application.
140 Within 15 days after receipt of the notice of deficiencies, the
141 eligible institution shall correct the deficiencies and return
142 the application to the center or withdraw the application from
143 consideration. Upon receipt of the revised application, the
144 director shall, within 30 days, recommend approval or
145 disapproval of the revised application to the chancellor or
146 commissioner, as applicable. Within 15 days after receipt of the
147 director's recommendation, the chancellor or commissioner shall
148 approve or disapprove the eligible institution's application. If
149 the chancellor or commissioner does not take action within the
150 15-day period, the application shall be considered approved.

151 (b) Initial approval of an FPCTP is valid for the 3
152 academic years immediately following the academic year in which
153 the approval is granted. An eligible institution may submit, in
154 the same manner as the initial application, an application for
155 renewal of an FPCTP. The application for renewal must be
156 submitted before the end of the initial 3-year period. If the

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157 eligible institution and the FPCTP continue to meet the
158 requirements of this section, a renewal shall be granted for an
159 additional 5 academic years. The renewal period shall begin at
160 the end of the original approval period.

161 (c) The application developed by the center must:

162 1. Address the requirements of the federal comprehensive
163 transition and postsecondary program in 20 U.S.C. s. 1140 and
164 this section.

165 2. Identify the credential awarded to a student with an
166 intellectual disability upon completion of an FPCTP if he or she
167 meets the eligibility requirements of paragraph (e).

168 3. Outline the length and design of an FPCTP, including,
169 but not limited to, inclusive and successful experiential
170 postsecondary education practices relating to curricular,
171 assessment, and advising structure and internship and employment
172 opportunities that support a student with an intellectual
173 disability who is seeking to continue academic, career,
174 technical, and independent living instruction at an eligible
175 institution, including, but not limited to, opportunities to
176 earn industry certifications, to prepare such student for
177 gainful employment. If an eligible institution offers a credit-
178 bearing degree program, the institution is responsible for
179 maintaining the rigor and effectiveness of a comprehensive
180 transition degree program at the same level as other comparable
181 degree programs offered by the institution pursuant to
182 applicable accreditation standards.

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183 4. Address the ways in which students with intellectual
 184 disabilities will be socially and academically integrated, to
 185 the maximum extent possible, with nondisabled students, which
 186 must be on at least a half-time basis. Such integration must
 187 include one or more of the following for such students:

188 a. Regular enrollment in credit-bearing courses at an
 189 eligible institution.

190 b. Audit of or participation in noncredit-bearing courses
 191 at an eligible institution.

192 c. Enrollment in noncredit-bearing, nondegree courses at
 193 an eligible institution.

194 d. Participation in internships or employment training
 195 programs.

196 5. Identify a plan for partnerships with businesses to
 197 promote experiential training and employment opportunities for a
 198 student with an intellectual disability.

199 6. Identify, after collaboration with the Board of
 200 Governors and the State Board of Education, performance
 201 indicators for the satisfactory progress of a student with an
 202 intellectual disability in an FPCTP and for the performance of
 203 an FPCTP and any other requirements specified by the center.
 204 Each eligible institution must address the performance
 205 indicators identified by the center in its application for the
 206 approval and renewal of a proposed FPCTP and in the annual
 207 report that the institution submits to the center.

208 7. Outline a 5-year plan incorporating enrollment and

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209 operational expectations for an FPCTP.

210 8. Include documented evidence of a federally approved
211 comprehensive transition and postsecondary program that is
212 determined to be an eligible program for the federal student aid
213 programs and is currently offered at the institution, documented
214 evidence of the submission of an application for such federal
215 approval of a comprehensive transition and postsecondary program
216 proposed by the institution, or documentation demonstrating the
217 commitment of the institution's governing board to submit an
218 application within the subsequent academic year for federal
219 approval of a comprehensive transition and postsecondary program
220 proposed by the institution pursuant to 20 U.S.C. s. 1140.

221 (d) Upon approval of an application, an eligible
222 institution must notify students with intellectual disabilities
223 and their parents of the FPCTP and student eligibility
224 requirements for participation in the FPCTP.

225 (e) To be eligible to enroll in an FPCTP at an eligible
226 institution, a student must, as determined by the institution
227 and based on guidelines established by the center:

228 1. Be a student with an intellectual disability as defined
229 in 20 U.S.C. s. 1140(2), including, but not limited to, a
230 transitional student.

231 2. Physically attend the eligible institution.

232 3. Submit to the eligible institution documentation
233 regarding his or her intellectual disability. Such documentation
234 may include, but not be limited to, a current individualized

235 plan for employment associated with a review completed pursuant
 236 to s. 413.20(3) or a diagnosis from a physician licensed under
 237 chapter 458 or chapter 459 or a psychologist licensed under
 238 chapter 490.

239 (f) By August 1 of each year, an eligible institution with
 240 an FPCTP shall submit an annual report to the center that, at a
 241 minimum, addresses the following performance indicators for the
 242 previous academic year:

243 1. Efforts to recruit students to enroll in the FPCTP and
 244 the number of students enrolled in the FPCTP.

245 2. Efforts to retain student enrollment in the FPCTP and
 246 the retention rate of students in the FPCTP.

247 3. The completion rate of students enrolled in the FPCTP
 248 and related courses, as applicable.

249 4. Transition success of students who complete the FPCTP,
 250 as measured by employment rates and salary levels at 1 year and
 251 5 years after completion, as available.

252 5. Other performance indicators identified by the center
 253 under subparagraph (c) 6.

254 (6) ACCOUNTABILITY.—

255 (a) By October 1 of each year, the center shall provide to
 256 the Governor, the President of the Senate, the Speaker of the
 257 House of Representatives, the Chancellor of the State University
 258 System, and the Commissioner of Education a report that
 259 includes, but is not limited to:

260 1. The status of the statewide coordination of FPCTPs and

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261 the implementation of FPCTPs at eligible institutions including,
262 but not limited to, the number of applications approved or
263 disapproved, the reasons for each disapproval, and the number of
264 applications on which no action was taken by the chancellor or
265 the commissioner, as applicable.

266 2. Performance indicators identified by the center under
267 subparagraph (5)(c)6. and the performance of each eligible
268 institution based on such indicators.

269 3. The projected number of students with intellectual
270 disabilities who may be eligible to enroll in the FPCTPs within
271 the next academic year.

272 4. Education programs and services for students with
273 intellectual disabilities that are available at an eligible
274 institution.

275 (b) Beginning December 1, 2015, and annually thereafter,
276 the center, in collaboration with the Board of Governors, the
277 State Board of Education, the Higher Education Coordinating
278 Council, and other stakeholders, shall submit to the Governor,
279 the President of the Senate, and the Speaker of the House of
280 Representatives statutory and budget recommendations for
281 improving the implementation and delivery of FPCTPs and other
282 education programs and services for students with disabilities.

283 (7) RULES.—The Board of Governors and the State Board of
284 Education, in consultation with the center, shall expeditiously
285 adopt the necessary regulations and rules, as applicable, to
286 allow the center to perform its responsibilities pursuant to

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287 this section beginning in the 2015-2016 fiscal year.

288 Section 2. Section 19 of chapter 2014-184, Laws of
289 Florida, is repealed.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB HEWS 15-02 Postsecondary Education Options for Students with Disabilities
SPONSOR(S): Higher Education & Workforce Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Higher Education & Workforce Subcommittee		Banner <i>FB</i>	Sherry <i>HS</i>

SUMMARY ANALYSIS

The bill creates the "Florida Postsecondary Comprehensive Transition Program Act" to increase independent living, inclusive and experiential postsecondary education, and employment opportunities for students with intellectual disabilities.

The bill establishes a process for postsecondary institutions in Florida to voluntarily seek approval of a Florida Postsecondary Comprehensive Transition Program (FPCTP) to provide postsecondary education options for students with intellectual disabilities.

The bill creates the Florida Center for Students with Unique Abilities (center) to serve as the statewide coordinating center for the dissemination of information regarding programs and services available to students with disabilities and their families. The center will serve a broader group of students with disabilities and their parents. Duties of the center include assisting with the implementation of the FPCTPs, including but not limited to, institution and student eligibility requirements. In addition, the center will provide statewide dissemination of information regarding education programs, services, resources, technical assistance, mentoring and job placement opportunities for students with disabilities and their families. The fiscal impact to create the center is indeterminate.

The bill also restores the Special Diploma as a high school graduation option for students with disabilities by abrogating the repeal of s. 1003.438, F.S. (scheduled to take effect July 1, 2015).

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Federal Law

The Higher Education Act of 1965, amended and extended by the Higher Education Opportunity Act of 2008, includes new provisions to support quality higher education programs for students with disabilities. The federal law establishes comprehensive transition and postsecondary (CTP) programs, transition programs for students with intellectual disabilities (TPSID) grants, and national coordination of CTP programs for students with intellectual disabilities.¹

A student with an intellectual disability is defined as a student "with a cognitive impairment, characterized by significant limitations in intellectual and cognitive functioning and adaptive behavior who is currently, or was formerly, eligible for a free appropriate public education under the Individuals with Disabilities Education Act."²

Federal law also defines a comprehensive transition and postsecondary (CTP) program as a degree, certificate, or nondegree program that meets each of the following criteria:³

- Is offered by an institution of higher education (IHE);
- Is delivered to students physically attending the IHE;⁴
- Is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an IHE in order to prepare for gainful employment;
- Includes an advising and curriculum structure;
- Requires students with intellectual disabilities to participate on not less than a half-time basis, as determined by the institution, with such participation focusing on academic components, and occurring through one or more of the following activities with nondisabled peers:
 - Regular enrollment in credit-bearing courses offered by the institution.
 - Auditing or participating in courses offered by the institution for which the student does not receive regular academic credit.
 - Participation in noncredit-bearing, nondegree courses.
 - Participation in internships or work-based training; and
- Requires students with intellectual disabilities to be socially and academically integrated with nondisabled students to the maximum extent possible.

Students attending CTP programs may qualify to receive federal financial aid in the form of a Federal Pell Grant, Federal Supplemental Educational Opportunity Grant and/or Federal Work-Study⁵ provided the student:

- Is enrolled or accepted for enrollment in a CTP program for students with intellectual disabilities at an IHE that participates in the federal student aid programs;
- Maintains satisfactory academic progress, as determined by the institution;⁶ and

¹ 20 U.S.C. s. 1140 et. Seq.; Pub. L. No. 110-315, 122 Stat.3361 (Aug. 14, 2008).

² 20 U.S.C. s. 1140(2).

³ 20 U.S.C. s. 1140(1); 34 C.F.R. s. 231(a).

⁴ 34 C.F.R. s. 668.231(a)(2).

⁵ Federal Student Aid, U.S. Department of Education, *Students with Intellectual Disabilities May Be Able to Get Certain Types of Federal Student Aid*, <https://studentaid.ed.gov/eligibility/intellectual-disabilities> (last visited Feb. 16, 2015); see also 34 C.F.R. ss.668.233 and 68.32.

⁶ An institution is responsible for publishing the institution's standards for students enrolled in its comprehensive transition and postsecondary (CTP) program. 34 C.F.R. s. 668.233(a)(3).

- Meets the basic federal student aid eligibility requirements, except that the student is not required to have a high school diploma or General Educational Development (GED) and is not required to pursue a degree or certification.

The student must provide documentation establishing that the student has an intellectual disability.⁷

An institution that offers a CTP program must apply to the Secretary of the United States Department of Education (USDOE) to be determined eligible for federal student aid programs. The application must include:⁸

- A detailed description of the program;
- The institution's policy for determining the achievement of satisfactory academic progress;
- The length of the program (credit hours, semesters, clock hours, etc.);
- A detailed description of the educational credential or identified outcome of students enrolled in the program; and
- A copy of the letter or notice sent to the institution's accrediting agency indicating approval of the CTP program.⁹

According to data provided by the Office of Program Policy Analysis and Government Accountability (OPPAGA), this approval process takes between 3 and 6 months to complete, depending on the quality of the application and associated materials.¹⁰

Transition Programs for Students with Intellectual Disabilities (TPSID) Grants are provided by USDOE as five-year cooperative agreements to institutions of higher education or consortia of institutions of higher education to enable these institutions to create or expand high quality CTP programs for students with intellectual disabilities.¹¹ Grants totaling approximately \$10.5 million were first awarded in Fiscal Year 2010 to 27 two- and four-year institutions across 23 states, including the University of South Florida – St. Pete, Florida's sole awardee.¹² Since initially awarding TPSID grants in 2010, funds have only been awarded for non-competing continuation grants.¹³

An institution or consortium that receives a TPSID grant shall use the funds to establish a model CTP program that:¹⁴

- Serves students with intellectual disabilities;
- Provides supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the institution of higher education's regular postsecondary program;
- Focuses on academic enrichment, socialization, independent living skills, and integrated work experiences and career skills that lead to gainful employment;
- Integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;
- Participates with the coordinating center in the evaluation of the model program;

⁷ 34 C.F.R. s. 668.233(c).

⁸ 34 C.F.R. s. 668.232.

⁹ Think College, as the National Coordinating Center, is working with the United States Congress regarding a specialized accreditation for programs for students with disabilities. Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf, at 7 of 29.

¹⁰ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf, at 18 of 85.

¹¹ U.S. Department of Education, *Transition and Postsecondary Programs for Students with Intellectual Disabilities*, <http://www2.ed.gov/programs/tpsid/index.html> (last visited Feb. 16, 2015).

¹² U.S. Department of Education, *Transition and Postsecondary Programs for Students with Intellectual Disabilities*, <http://www2.ed.gov/programs/tpsid/awards.html> (last visited Feb. 16, 2015).

¹³ *Id.*

¹⁴ 20 U.S.C. 1140g(d).

- Partners with one or more local educational agencies (LEA's) to support students with intellectual disabilities participating in the model program who are still eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA);
- Plans for sustainability of the model program after the end of the grant period; and
- Creates and offers a meaningful credential for students with intellectual disabilities upon completion of the program.

The Higher Education Opportunity Act of 2008 established a National Center for Information and Technical Support for Postsecondary Students with Disabilities (National Center).¹⁵ The National Center is responsible for:¹⁶

- Providing assistance to students and families and institutions of higher education;
- Building, maintaining, and updating a database of disability support services information;
- Working with organizations and individuals with proven expertise to evaluate, improve, and disseminate information related to the delivery of high quality disability support services at institutions of higher education; and
- Reporting to the United State Secretary of Education an analysis of the condition of postsecondary success for students with disabilities.

The act also establishes a national coordinating center for institutions of higher education that offer inclusive CTP programs for students with intellectual disabilities, including those participating in TPSID grants.¹⁷ Think College, a project of the Institute for Community Inclusion at the University of Massachusetts – Boston, was selected in October 2010, to provide support, coordination, training and evaluation services to the TPSID grant recipients.¹⁸

State Law

Florida law provides for students with disabilities to be eligible for reasonable substitution of any requirement for admission to postsecondary educational institutions if the student can provide documentation that the failure to meet the requirement is related to the disability.¹⁹ While Florida law allows for "reasonable substitution for any requirement for graduation, for admission into a program of study, or for entry into the upper division", these substitutions may not constitute a fundamental alteration in the nature of the program.²⁰ Additionally, to be eligible for state student financial aid awards, students must meet specified eligibility criteria, which includes minimum number of credit hours per term or the equivalent.²¹

There are currently 17 non-traditional postsecondary program options available across Florida for students with documented developmental disabilities²² that provide activities such as auditing postsecondary courses, enrolling in vocational courses, participating in campus life, and job placement programs.²³ Of these programs:

- Nine are available to students who are no longer enrolled in district ESE programs. In the 2013-14 year, 222 students were enrolled and 125 graduated. Of these 125 graduates, 41 students, or 33 percent, were employed and another 6 students, or 8 percent, received industry

¹⁵ 20 U.S.C. s. 1140q(a).

¹⁶ 20 U.S.C. s. 1140q(a)(4).

¹⁷ 20 U.S.C. s. 1140q(b) and i(b).

¹⁸ Think College! *National Coordinating Center and College Options for People with Intellectual Disabilities*, <http://www.thinkcollege.net> (last visited Feb. 16, 2015).

¹⁹ s. 1007.264, F.S.; Rule 6A-10.041, F.A.C. and Board of Governors Regulation 6.018.

²⁰ s. 1007.265, F.S.; Rule 6A-10.041, F.A.C. and Board of Governors Regulation 6.018.

²¹ s. 1009.40, F.S.

²² Developmental disability means "a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely." Section 393.063(9), F.S.

²³ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf at 15 of 29.

certification, went on to other postsecondary options or pursued a GED. The cost to the student for these programs range from \$0 to as high as \$10,000.²⁴

- Eight are available to students through age 21 who are still receiving district ESE services. In the 2013-14 year, 85 students were enrolled and 14 graduated. Of these 14 graduates, 10 students, or 67 percent, were employed and another 2 students, or 13 percent, were enrolled in postsecondary education.²⁵ Since these students still receive district ESE services, there is no program cost to the student.

None of the 17 programs offered award college credit or a college degree, but some allow students to complete courses that can be applied toward a workforce credential.²⁶

Special Diploma Option

During the 2014 Legislative Session, Senate Bill 850²⁷ repealed section 1003.438, F.S. which eliminated the special diploma as a high school graduation option for students with disabilities, effective July 1, 2015.

Section 1003.438, F.S. does not limit or restrict the right of a student with a disability solely to a special diploma or special certificate of completion. Furthermore, section 1003.5716(2)(a), F.S. requires that the first individual education plan (IEP) in effect for a 16-year-old student must, if the parent deems appropriate, include a statement of intent to pursue a standard high school diploma and a Scholar or Merit designation. This statement of intent may also be included in the IEP for a student who is under 16, if the parent or IEP team deems it appropriate.

The repeal will result in students with disabilities who do not meet the standard diploma requirements being granted a certificate of completion. This may be problematic as some employers require either a standard or special high school diploma for employment. The certificate of completion is not considered a high school diploma and, therefore, some students who would have previously earned a special diploma may no longer be eligible for employment if the repeal takes effect.

The chart on the following page outlines the specific requirements for the standard diploma, special diploma (prior to the 2014 repeal) and the certificate of completion:

²⁴ Program costs reflect base tuition only and does not include the cost of a residential option which ranges from \$11,000-14,000 per year. Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), available at http://www.flseate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf at 21 of 85.

²⁵ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), available at http://www.flseate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf at 22 of 85.

²⁶ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at http://www.flseate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf at 13 of 29.

²⁷ Chapter 2014-184, Laws of Florida

Graduation Requirements for the Standard Diploma 24-Credit and Certificate of Completion Section 1002.4282, Florida Statutes	Special Diploma Prior to the 2014 Legislative Session Option 1 and 2
4 Credits English Language Arts (ELA) ELA I, II, III, IV	A student with a disability who meets all of the requirements of a special diploma option one or option two prescribed by the district school board in their board approved student progression plan and the minimum requirements prescribed by the Commissioner of Education as described in rule 6A-1.00961, F.A.C. Option 1 Demonstration of proficiency at the independent, supported, or participatory level of each standards for Special Diploma standards, as determined through the IEP process, and the completion of the minimum number of course credits for a special diploma as prescribed by the school board. Or For certain students with disabilities mastery of the Standards through successful completion of courses that meet graduation requirements for a standard diploma. Option 2 Allowed for students with disabilities to demonstrate mastery of the standards through employment and community competencies. There were three requirements for this pathway: <ul style="list-style-type: none"> • The student has achieved all the annual goals and short-term objectives which were specified on the IEP related to the employment and community competencies. • The student is employed in a community-based job, for the number of hours per week specified in the student's training plan, for the equivalent of one (1) semester and paid the minimum wage. • The student has mastered the employment and community competencies specified in the training plan.
4 Credits Mathematics One of which must be Algebra I and one of which must be Geometry - Students must pass the Algebra I end-of-course (EOC) or a comparative score on the Postsecondary Education Readiness Test (P.E.R.T.) - Students must participate in the Geometry EOC results constitute 30 percent of the final course grade - Students must participate in the Algebra II EOC results constitute 30 percent of the final course grade (if enrolled)	
3 Credits Science One of which must be Biology I, two of which must have a laboratory component - Students must participate in the Biology I EOC results constitute 30 percent of the final course grade	
3 Credits Social Studies - Students must participate in the U.S. History EOC results constitute 30 percent of the final course grade	
1 Credit Fine and Performing Arts, Speech and Debate or Practical Arts	
1 Credit Physical Education to include the integration of health	
8 Credits Elective	
1 Online Course	
Certificate of Completion A student who earns the required 24 credits, or the required 18 credits under s. 1002.3105(5), F.S. but fails to pass the assessments required under s. 1008.22(3), F.S. or achieve a 2.0 GPA shall be awarded a certificate of completion.	

Effect of Proposed Changes

The bill creates the "Florida Postsecondary Comprehensive Transition Program Act" to increase independent living, inclusive and experiential postsecondary education, and employment opportunities for students with intellectual disabilities. Specifically, the bill:

- Establishes a process by which postsecondary institutions may voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP) for students with intellectual disabilities; and
- Creates the Florida Center for Students with Unique Abilities (center) as the statewide coordinating center for the dissemination of information regarding programs and services available to students with disabilities and their families.

Florida Postsecondary Comprehensive Transition Program (FPCTP)

FPCTP's are established for students with intellectual disabilities. The bill aligns the state approval requirements with federal requirements for comprehensive transition and postsecondary (CTP)

programs. In addition to the federal requirements, an eligible institution²⁸ must submit the following to the center no later than the academic year immediately following the academic year in which federal approval was granted:

1. An application that includes:
 - Identification of a credential associated with the proposed program that is awarded to a student with an intellectual disability after the student completes the FPCTP;
 - Program length and design that includes, at a minimum, inclusive and experiential education practices related to curricular, assessment, and advising structure and internship and employment opportunities and if a college credit-bearing degree program, at the same rigor and effectiveness of a comparable program offered by the institution;
 - Plan for students with intellectual disabilities to be integrated socially and academically with nondisabled students;
 - Plan for partnerships with businesses to promote experiential training and employment opportunities for students with intellectual disabilities;
 - Identification of performance metrics, as identified by the statewide coordinating center, to measure satisfactory progress of students and performance of the program;
 - A 5-year plan regarding enrollment and operational expectation; and
 - Any other requirement identified by the statewide coordinating center.
2. Documented evidence of a federally approved program that is determined to be eligible for federal student financial aid programs and is currently offered at the institution, documented evidence of the submission of an application for such federal approval, or documentation demonstrating the intent to submit an application within the subsequent academic year.

An institution submitting a renewal application must do so within 3 years following the year during which initial approval was granted.

Currently, no Florida programs are eligible to provide federal financial aid, however Florida Panhandle Technical College has applied and the University of North Florida is working on an application. Students are, however, eligible to receive other financial assistance such as Vocational Rehabilitation funding, institutional funding, local grants or other social service agencies.²⁹

Additional responsibilities of the institutions include the submission of an annual report by August 1st of each year. This report shall address, at a minimum, the program's efforts to recruit and retain students; enrollment, retention and completion data; transition success of completers as measured by employment rates and salary levels at 1 and 5 years after completion; and any other performance indicators identified by the center.

To be eligible to enroll in a FPCTP program, a student must meet the definition of a "student with an intellectual disability" as defined in 20 U.S.C. s. 1140(2), physically attend the eligible institution, and submit to the institution documentation regarding his or her intellectual disability.

The Florida Center for Students with Unique Abilities

This bill creates the Florida Center for Students with Unique Abilities (center) at the University of Central Florida. The duties of the center include, but are not limited to:

- Disseminating information regarding education programs, services and resources available at eligible institutions; support, accommodations, technical assistance or training provided by eligible institutions, the advisory council or regional autism centers; and mentoring, networking and employment opportunities;

²⁸ The bill defines eligible institution as a state university; a Florida College System (FCS) institution; a technical center; or an independent college or university that is located and chartered in Florida, is not for profit, is accredited by the Southern Association of Colleges and Schools (SACS), and is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program.

²⁹ Office of Program Policy Analysis and Government Accountability, OPPAGA Review of Postsecondary Options for Students with Developmental Disabilities, at 19 of 142 (February 2015).

- Coordinating, facilitating and overseeing statewide implementation including creating the application and deadlines for the submission, review and approval of applications;
- Consulting and collaborating with the National Center and the Coordination Center regarding guidelines for effective implementation of the programs which align with federal requirements and standards, quality indicators and benchmarks;
- Consulting and collaborating with the Higher Education Coordinating Council to identify meaningful credentials and engage businesses and stakeholders to promote experiential training and employment opportunities to students with intellectual disabilities;
- Providing technical assistance regarding programs and services for students with intellectual disabilities to administrators, instructors and staff at eligible institutions;
- Administering the scholarship program; and
- Planning, advising and evaluating approved programs and student performance.

The director of the center shall oversee the approval of CTP programs and review all applications for both initial and renewal program proposals submitted by an institution. Within 30 days of receipt of the application, the director shall make a recommendation regarding approval of state university programs to the State University System Chancellor and all other programs to the Commissioner of Education or give written notice to the applicant regarding application deficiencies. In the event of notice of application deficiencies, the applicant has 15 days to correct the application and submit a revised application, at such time the director has 30 days from the time of receipt to make a recommendation. The State University System Chancellor or Commissioner of Education, as appropriate, has 15 days after receipt of the recommendation to approve or disapprove the recommendation. If no action is taken, the program will be considered approved.

The center, in collaboration with the Board of Governors and the State Board of Education, shall identify indicators for satisfactory academic progress and performance of FPCTP programs.

The center shall report to the Governor, President of the Senate, Speaker of the House of Representatives, Chancellor of the State University System and Commissioner of Education, by October 1 of each year, the following:

- Status of the statewide coordination and implementation of FPCTPs, including the number of applications approved and disapproved and reasons for each disapproval or no action taken by the Chancellor or Commissioner;
- Indicators identified and performance of each eligible institution;
- Projected number of students with intellectual disabilities eligible to enroll within the next academic year; and
- Education programs and services for students with intellectual disabilities available at an eligible institution.

Beginning in the 2015-16 fiscal year, the center, in collaboration with the Board of Governors, State Board of Education, Higher Education Coordinating Council and other stakeholders, shall submit to the Governor, President of the Senate, and Speaker of the House of Representative, statutory or budget recommendations for improving the implementation and delivery of FPCTPs by December 1 of each year.

Special Diploma

The bill restores the special diploma as a high school graduation option for students with disabilities by abrogating the repeal of s. 1003.438, F.S. (scheduled to take effect July 1, 2015).

B. SECTION DIRECTORY:

Section 1. Creates s. 1004.6501, F.S., establishing the Florida Postsecondary Comprehensive Transition Program and the Florida Center for Students with Unique Abilities.

Section 2. Abrogates the repeal of s. 1003.438, F.S. regarding the special diploma option for students with disabilities.

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

The bill establishes the Florida Center for Students with Unique Abilities at the University of Central Florida beginning in the 2015-16 fiscal year. The bill requires the center, in collaboration with other stakeholders, to make a budget recommendation by December 1st of each year. It is unknown what fiscal impact there will be on the University of Central Florida to initially establish this center, hire staff and become operational.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

In 2013-14, 222 students with disabilities enrolled in non-traditional postsecondary education programs across the state. The cost of base tuition for these programs range from \$0 to as high as \$10,000 with residential options costing approximately \$11,000-14,000 per student.

The addition of the Florida Comprehensive Transition Program and the Florida Center for Students with Unique Abilities has the potential to positively impact students with intellectual and other disabilities across the state by increasing living, inclusive and experiential postsecondary education, and employment opportunities likely resulting in the ability for these individuals to obtain gainful employment and earn higher wages.

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill requires the Board of Governors and the State Board of Education to consult with the center to expeditiously adopt regulations and rules, as applicable, to allow the center to perform its responsibilities beginning in the 2015-16 fiscal year.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to Florida College System boards of
 3 trustees; amending s. 1001.61, F.S.; revising the
 4 membership requirements for the Florida College System
 5 institution boards of trustees; deleting a provision
 6 requiring the Florida State College at Jacksonville to
 7 have an odd number of trustees; providing for
 8 staggered terms of board members; providing an
 9 effective date.

10

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

12

13 Section 1. Subsections (1) and (2) of section 1001.61,
 14 Florida Statutes, are amended to read:

15 1001.61 Florida College System institution boards of
 16 trustees; membership.—

17 (1) Florida College System institution boards of trustees
 18 shall be comprised of five members when a Florida College System
 19 institution district is confined to one school board district;
 20 seven members when a Florida College System institution district
 21 is confined to one school board district and the board of
 22 trustees so elects; and not more than nine members when the
 23 district contains two or more school board districts,~~as~~
 24 ~~provided by rules of the State Board of Education. However,~~
 25 ~~Florida State College at Jacksonville shall have an odd number~~
 26 ~~of trustees.~~

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27 | (2) Trustees shall be appointed by the Governor to
28 | staggered 4-year terms, subject to confirmation ~~and confirmed~~ by
29 | the Senate in regular session.

30 | Section 2. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 759 Florida College System Boards of Trustees
SPONSOR(S): Higher Education & Workforce Subcommittee
TIED BILLS: IDEN./SIM. **BILLS:** SB 446

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Higher Education & Workforce Subcommittee		Banner <i>JB</i>	Sherry <i>HS</i>

SUMMARY ANALYSIS

A rule of the State Board of Education regulates the composition of the boards of trustees of all Florida College System institutions. However, the rule specifically dictates the composition of the boards at South Florida Community College, Gulf Coast Community College, and Edison Community College. The rule also prescribes the process the Governor must follow to stagger the length of terms for board members.

The bill repeals the rulemaking authority of the State Board of Education regarding the composition of Florida College System institution boards of trustees. The bill also requires board member terms to be staggered.

The fiscal impact of this bill is insignificant.

The bill takes effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida College System (FCS) was established in order to maximize open access for students, respond to community needs for postsecondary academic education and career education, and provide associate and baccalaureate degrees that best meet the state's employment needs.¹ The FCS is comprised of 28 institutions, each with specific service areas within the state.²

Each FCS institution is governed by a local board of trustees.³ These boards are charged with ensuring that the college is an integral part of the community by balancing and integrating the wide variety of interests and needs into policies that benefit the common good and future of the region the institution serves.⁴

Current law requires that the FCS institution boards be comprised of five members when an institution's district is confined to one school district, seven members when there is one district and the board of trustees elects to have additional members, and not more than nine when the district contains two or more school districts. The State Board of Education (SBE) is also authorized to adopt rules related to the membership of the board of trustees. Trustees are appointed by the Governor and confirmed by the Senate.⁵

The State Board of Education (SBE) has adopted a rule regulating the composition of the boards of trustees of FCS institutions.⁶ For those FCS institutions that serve more than one county, the rule provides requirements for board composition as follows:

- Two (2) county district boards shall be composed of five (5) trustees from the county of location and four (4) from the cooperating county. However, if the county of location has more than five (5) times the population of the cooperating county as determined by the U.S. Census, there shall be three (3) trustees from the cooperating county.
- Three (3) and four (4) county district boards shall be composed of three (3) trustees from the county of location and two (2) from each cooperating county.
- Five (5) county district boards shall be composed of three (3) trustees from the county of location, two (2) from each of the two (2) more populous cooperating counties, and one (1) from each of the two (2) less populous cooperating counties.
- Six (6) county district boards shall be composed of three (3) trustees from the county of location, two (2) from the most populous cooperating county, and one (1) from each of the remaining counties.

However, the rule specifically dictates the composition of the boards at South Florida Community College, Gulf Coast Community College, and Edison Community College.

The rule also prescribes the process the Governor must follow to stagger the length of terms for board members.

¹ Section 1001.60(1), F.S.

² Section 1000.21(3), F.S.

³ Section 1001.60(3), F.S.

⁴ Association of Florida Colleges, *Florida College System Trustee Manual*, (Sept. 2013), available at http://myafchome.org/assests/Publications/Trustees/2k12_trustee_manual.pdf.

⁵ Section 1001.61, F.S.

⁶ Rule 6A-4.024, F.A.C. This rule was last updated in July 2004, therefore it does not reflect the most current Florida College System institution names.

Effect of Proposed Changes

This bill repeals the rulemaking authority of the SBE. This enables each board of trustees to determine the composition of its board based upon the counties it serves. The bill also requires the staggering of the terms of board members.

The bill takes effect July 1, 2015.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.61, F.S. to repeal the rulemaking authority of the State Board of Education and require staggering of terms of board members.

Section 2. Provides an effective date of July 1, 2015.

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:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None

B. RULE-MAKING AUTHORITY:

This bill repeals rulemaking authority of the State Board of Education regarding Florida College System institution boards of trustees.

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	_____	

1 Committee/Subcommittee hearing bill: Higher Education &
 2 Workforce Subcommittee
 3 Representative Porter offered the following:

Amendment (with title amendment)

Between lines 20 and 21, insert:

8 Section 1. Paragraph (c) of subsection (2) and subsection
 9 (6) of section 1009.531, Florida Statutes, are amended to read:
 10 1009.531 Florida Bright Futures Scholarship Program;
 11 student eligibility requirements for initial awards.-

12 (2)

13 (c) A student graduating from high school in the 2012-2013
 14 academic year and thereafter is eligible to accept an initial
 15 award for 2 years following high school graduation and to accept
 16 a renewal award for 5 years following high school graduation. A
 17 student who applies for an award by high school graduation and



Amendment No. 1

18 who meets all other eligibility requirements, but who does not
19 accept his or her award, may reapply during subsequent
20 application periods up to 2 years after high school graduation.
21 For a student who enlists in the United States Armed Forces
22 immediately after completion of high school, the 2-year
23 eligibility period for his or her initial award and the 5-year
24 renewal period shall begin upon the date of separation from
25 active duty. For a student who is receiving a Florida Bright
26 Futures Scholarship award and discontinues his or her education
27 to enlist in the United States Armed Forces, the remainder of
28 his or her 5-year renewal period shall commence upon the date of
29 separation from active duty. For a student who is unable to
30 accept an initial award immediately after completion of high
31 school due to a full-time religious or service obligation
32 lasting at least 18 months, the 2-year eligibility period for
33 his or her initial award and the 5-year renewal period begin
34 upon the completion of his or her religious or service
35 obligation. The full-time religious or service obligation must
36 be documented in writing and verified by the entity for which
37 the student completed such obligation. If a course of study is
38 not completed after 5 academic years, an exception of 1 year to
39 the renewal timeframe may be granted due to a verifiable illness
40 or other documented emergency pursuant to s. 1009.40(1)(b)4.

41 (6)(a) The State Board of Education shall publicize the
42 examination score required for a student to be eligible for a



Amendment No. 1

43 Florida Academic Scholars award, pursuant to s. 1009.534(1)(a)
44 or (b), ~~as follows:~~

45 1. ~~For high school students graduating in the 2010-2011~~
46 ~~and 2011-2012 academic years, the student must earn an SAT score~~
47 ~~of 1270 or a concordant ACT score of 28.~~

48 2. ~~For high school students graduating in the 2012-2013~~
49 ~~academic year, the student must earn an SAT score of 1280 which~~
50 ~~corresponds to the 88th SAT percentile rank or a concordant ACT~~
51 ~~score of 28.~~

52 3. ~~For High school students graduating in the 2013-2014~~
53 ~~academic year and thereafter, the student must earn an SAT score~~
54 ~~of 1290 which corresponds to the 89th SAT percentile rank or a~~
55 ~~concordant ACT score of 29.~~

56 (b) The State Board of Education shall publicize the
57 examination score required for a student to be eligible for a
58 Florida Medallion Scholars award, pursuant to s. 1009.535(1)(a)
59 or (b), ~~as follows:~~

60 1. ~~For high school students graduating in the 2010-2011~~
61 ~~academic year, the student must earn an SAT score of 970 or a~~
62 ~~concordant ACT score of 20 or the student in a home education~~
63 ~~program whose parent cannot document a college preparatory~~
64 ~~curriculum must earn an SAT score of 1070 or a concordant ACT~~
65 ~~score of 23.~~

66 2. ~~For high school students graduating in the 2011-2012~~
67 ~~academic year, the student must earn an SAT score of 980 which~~
68 ~~corresponds to the 44th SAT percentile rank or a concordant ACT~~

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Amendment No. 1

69 ~~score of 21 or the student in a home education program whose~~
70 ~~parent cannot document a college preparatory curriculum must~~
71 ~~earn an SAT score of 1070 or a concordant ACT score of 23.~~

72 ~~3. For high school students graduating in the 2012-2013~~
73 ~~academic year, the student must earn an SAT score of 1020 which~~
74 ~~corresponds to the 51st SAT percentile rank or a concordant ACT~~
75 ~~score of 22 or the student in a home education program whose~~
76 ~~parent cannot document a college preparatory curriculum must~~
77 ~~earn an SAT score of 1070 or a concordant ACT score of 23.~~

78 ~~4. For High school students graduating in the 2013-2014~~
79 ~~academic year and thereafter, the student must earn an SAT score~~
80 ~~of 1170 which corresponds to the 75th SAT percentile rank or a~~
81 ~~concordant ACT score of 26 or the student in a home education~~
82 ~~program whose parent cannot document a college preparatory~~
83 ~~curriculum must earn an SAT score of 1220 or a concordant ACT~~
84 ~~score of 27.~~

85

86

87

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

88

Remove line 3 and insert:

89

Scholarship Program; amending s. 1009.531; delays initial award

90

and renewal period for students unable to accept an award

91

immediately after completion of high school due to a religious

92

or service obligation; revising eligibility requirements for the

93

Bright Futures Scholarship Program for home education students;

94

amending ss. 1009.534, 1009.535,

27 and ~~the student~~:

28 (a) Has achieved a 3.5 weighted grade point average as
 29 calculated pursuant to s. 1009.531, or its equivalent, in high
 30 school courses that are designated by the State Board of
 31 Education as college-preparatory academic courses~~;~~ and has
 32 attained at least the score required under ~~pursuant to~~ s.
 33 1009.531(6)(a) on the combined verbal and quantitative parts of
 34 the Scholastic Aptitude Test, the Scholastic Assessment Test, or
 35 the recentered Scholastic Assessment Test of the College
 36 Entrance Examination, or an equivalent score on the ACT
 37 Assessment Program;

38 (b) Has attended a home education program according to s.
 39 1002.41 during grades 11 and 12, ~~or~~ has completed the
 40 International Baccalaureate curriculum but failed to earn the
 41 International Baccalaureate Diploma, or has completed the
 42 Advanced International Certificate of Education curriculum but
 43 failed to earn the Advanced International Certificate of
 44 Education Diploma, and has attained at least the score required
 45 under ~~pursuant to~~ s. 1009.531(6)(a) on the combined verbal and
 46 quantitative parts of the Scholastic Aptitude Test, the
 47 Scholastic Assessment Test, or the recentered Scholastic
 48 Assessment Test of the College Entrance Examination, or an
 49 equivalent score on the ACT Assessment Program;

50 (c) Has been awarded an International Baccalaureate
 51 Diploma from the International Baccalaureate Office or an
 52 Advanced International Certificate of Education Diploma from the

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53 University of Cambridge International Examinations Office;

54 (d) Has been recognized by the merit or achievement
55 programs of the National Merit Scholarship Corporation as a
56 scholar or finalist; or

57 (e) Has been recognized by the National Hispanic
58 Recognition Program as a scholar recipient.

59

60 The A student must complete a program of volunteer ~~community~~
61 service work, as approved by the district school board, the
62 administrators of a nonpublic school, or the Department of
63 Education for home education program students, which must ~~shall~~
64 include a minimum of 75 hours of service work for high school
65 students graduating in the 2010-2011 academic year and 100 hours
66 of service work for high school students graduating in the 2011-
67 2012 academic year and thereafter. The student, ~~and~~ must
68 identify a social or civic issue or a professional area ~~problem~~
69 that interests him or her, develop a plan for his or her
70 personal involvement in addressing the issue or learning about
71 the area ~~problem~~, and, through papers or other presentations,
72 evaluate and reflect upon his or her experience. The student may
73 not receive remuneration or academic credit for the volunteer
74 service work. Such work may include, but is not limited to, a
75 business or government internship or employment with a nonprofit
76 community service organization. The hours of service work must
77 be documented in writing, and the document must be signed by the
78 student, the student's parent, and a representative of the

79 organization for which the student worked.

80 Section 2. Subsection (1) of section 1009.535, Florida
81 Statutes, is amended to read:

82 1009.535 Florida Medallion Scholars award.—

83 (1) A student is eligible for a Florida Medallion Scholars
84 award if he or she ~~the student~~ meets the general eligibility
85 requirements for the Florida Bright Futures Scholarship Program
86 and ~~the student~~:

87 (a) Has achieved a weighted grade point average of 3.0 as
88 calculated pursuant to s. 1009.531, or the equivalent, in high
89 school courses that are designated by the State Board of
90 Education as college-preparatory academic courses; and has
91 attained at least the score required under ~~pursuant to~~ s.
92 1009.531(6)(b) on the combined verbal and quantitative parts of
93 the Scholastic Aptitude Test, the Scholastic Assessment Test, or
94 the recentered Scholastic Assessment Test of the College
95 Entrance Examination, or an equivalent score on the ACT
96 Assessment Program;

97 (b) Has completed the International Baccalaureate
98 curriculum but failed to earn the International Baccalaureate
99 Diploma or has completed the Advanced International Certificate
100 of Education curriculum but failed to earn the Advanced
101 International Certificate of Education Diploma, and has attained
102 at least the score required under ~~pursuant to~~ s. 1009.531(6)(b)
103 on the combined verbal and quantitative parts of the Scholastic
104 Aptitude Test, the Scholastic Assessment Test, or the recentered

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105 Scholastic Assessment Test of the College Entrance Examination,
 106 or an equivalent score on the ACT Assessment Program;

107 (c) Has attended a home education program according to s.
 108 1002.41 during grades 11 and 12 and has attained at least the
 109 score required under ~~pursuant to~~ s. 1009.531(6)(b) on the
 110 combined verbal and quantitative parts of the Scholastic
 111 Aptitude Test, the Scholastic Assessment Test, or the recentered
 112 Scholastic Assessment Test of the College Entrance Examination,
 113 or an equivalent score on the ACT Assessment Program, if the
 114 student's parent cannot document a college-preparatory
 115 curriculum as described in paragraph (a);

116 (d) Has been recognized by the merit or achievement
 117 program of the National Merit Scholarship Corporation as a
 118 scholar or finalist but has not completed the ~~a~~ program of
 119 volunteer community service work required under ~~as provided in~~
 120 s. 1009.534; or

121 (e) Has been recognized by the National Hispanic
 122 Recognition Program as a scholar, but has not completed the ~~a~~
 123 program of volunteer community service work required under ~~as~~
 124 ~~provided in~~ s. 1009.534.

125
 126 A high school student graduating in the 2011-2012 academic year
 127 and thereafter must complete at least 75 hours ~~a program~~ of
 128 volunteer community service work approved by the district school
 129 board, the administrators of a nonpublic school, or the
 130 Department of Education for home education program students. The

131 student, ~~which shall include a minimum of 75 hours of service~~
132 ~~work, and~~ must identify a social or civic issue or professional
133 area ~~problem~~ that interests him or her, develop a plan for his
134 or her personal involvement in addressing the issue or learning
135 about the area ~~problem~~, and, through papers or other
136 presentations, evaluate and reflect upon his or her experience.
137 The student may not receive remuneration or academic credit for
138 the volunteer service work. Such work may include, but is not
139 limited to, a business or government internship or employment
140 with a nonprofit community service organization. The hours of
141 service work must be documented in writing, and the document
142 must be signed by the student, the student's parent, and a
143 representative of the organization for which the student worked.

144 Section 3. Subsection (1) of section 1009.536, Florida
145 Statutes, is amended to read:

146 1009.536 Florida Gold Seal Vocational Scholars award.—The
147 Florida Gold Seal Vocational Scholars award is created within
148 the Florida Bright Futures Scholarship Program to recognize and
149 reward academic achievement and career preparation by high
150 school students who wish to continue their education.

151 (1) A student is eligible for a Florida Gold Seal
152 Vocational Scholars award if he or she ~~the student~~ meets the
153 general eligibility requirements for the Florida Bright Futures
154 Scholarship Program and ~~the student~~:

155 (a) Completes the secondary school portion of a sequential
156 program of studies that requires at least three secondary school

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157 career credits. On-the-job training may not be substituted for
158 any of the three required career credits.

159 (b) Demonstrates readiness for postsecondary education by
160 earning a passing score on the Florida College Entry Level
161 Placement Test or its equivalent as identified by the Department
162 of Education.

163 (c) Earns a minimum cumulative weighted grade point
164 average of 3.0, as calculated pursuant to s. 1009.531, on all
165 subjects required for a standard high school diploma, excluding
166 elective courses.

167 (d) Earns a minimum unweighted grade point average of 3.5
168 on a 4.0 scale for secondary career courses that compose
169 ~~comprising~~ the career program.

170 (e) Beginning with high school students graduating in the
171 2011-2012 academic year and thereafter, completes at least 30
172 hours ~~a program~~ of volunteer community service work approved by
173 the district school board, the administrators of a nonpublic
174 school, or the Department of Education for home education
175 program students. The student must identify, which shall include
176 a minimum of 30 hours of service work, and identifies a social
177 or civic issue or a professional area ~~problem~~ that interests him
178 or her, develop ~~develops~~ a plan for his or her personal
179 involvement in addressing the issue or learning about the area
180 ~~problem~~, and, through papers or other presentations, evaluate
181 ~~evaluates~~ and reflect ~~reflects~~ upon his or her experience. The
182 student may not receive remuneration or academic credit for the

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183 volunteer service work. Such work may include, but is not
184 limited to, a business or government internship or employment
185 with a nonprofit community service organization. The hours of
186 service work must be documented in writing, and the document
187 must be signed by the student, the student's parent, and a
188 representative of the organization for which the student worked.

189 Section 4. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 747 Florida Bright Futures Scholarship Program
SPONSOR(S): Rooney, Jr.
TIED BILLS: IDEN./SIM. BILLS: SB 960

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee		Banner 	Sherry 
2) Education Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill modifies student community service work requirements for eligibility for the Florida Bright Futures Scholarship Program, including Florida Academic Scholars (FAS), Florida Medallion Scholars (FMS), and the Florida Gold Seal Vocational Scholars (FGSVS) awards. The number of community service hours required for each Bright Futures award remains unchanged, but the definition of what constitutes community service is expanded.

More specifically, the bill:

- Clarifies that community service work must be volunteer work and prohibits any student from receiving remuneration or academic credit for such work;
- Expands volunteer service work areas to include a civic issue or a professional area of interest;
- Provides that volunteer work may include, but not be limited to, a business or government internship or employment with a nonprofit community service organization; and
- Establishes accountability requirements for student volunteer work that includes documentation in writing by the student, the student's parent, and a representative of the organization for which the student worked.

The fiscal impact of the bill is insignificant.

The bill takes effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida Bright Futures Scholarship Program (Bright Futures) is a lottery-funded, merit-based scholarship program for Florida high school graduates who meet specified academic requirements and enroll in a degree program, certificate program or applied technology program at an eligible public or private postsecondary institution in Florida after graduating from high school.¹ The Department of Education (DOE) administers the program in accordance with rules and procedures adopted by the State Board of Education (SBE).²

The Bright Futures Scholarship Program consists of three types of awards:³

- Florida Academic Scholarship (FAS),
- Florida Medallion Scholarship (FMS), and
- Florida Gold Seal Vocational Scholarship (FGSVS).

Current law outlines general eligibility requirements for Bright Futures recipients⁴ and specific academic and community service requirements for each type of award.⁵ The community service work performed by the student must be approved by the district school board, administrators of a nonpublic school, or DOE for home education program students.⁶

Beginning with the 2011-12 academic year, students must perform community service work, identify a social problem of interest, develop a plan for personal involvement in addressing the problem, and reflect on their experiences through papers or presentations.

The community service work requirement is the same for all three types of awards, however, the required number of volunteer hours differs. To be eligible to receive the FAS award, a student must perform at least 100 hours of community service work.⁷ FMS students must perform a minimum of 75 hours of community service work⁸ and FGSV students must perform a minimum of 30 hours of community service work.⁹

Effect of Proposed Changes

The bill modifies student community service work requirements for eligibility for the Florida Bright Futures Scholarship Program, including Florida Academic Scholars (FAS), Florida Medallion Scholars (FMS), and the Florida Gold Seal Vocational Scholars (FGSVS) awards. The number of community

¹ Sections 1009.53(1), F.S. and 1009.531(2)(a-c), F.S., specify that a student graduating from high school prior to the 2010-11 academic year is eligible to accept an initial award for 3 years following high school graduation and accept a renewal award for 7 years following high school graduation. Students graduating in the 2010-11 and 2011-12 academic years are eligible to accept an initial award for 3 years following high school graduation and accept a renewal award for 5 years following high school graduation. Beginning with the 2012-13 academic year, graduates may accept an initial award for 2 years following high school graduation and accept renewal awards for 5 years following high school graduation.

² Section 1009.53(3), F.S.

³ Section 1009.53(2), F.S.

⁴ Section 1009.531, F.S.

⁵ Section 1009.534(1), 1009.535(1), and 1009.536(1)(e), F.S.

⁶ *Id.*

⁷ Section 1009.534(1), F.S.

⁸ Section 1009.535(1), F.S.

⁹ Section 1009.536(1)(e), F.S.

service hours required for each Bright Futures award remains unchanged, however, the definition of what constitutes community service is expanded.

More specifically, the bill:

- Clarifies that community service work must be volunteer work and prohibits any student from receiving remuneration or academic credit for such work;
- Expands volunteer service work areas to include a civic issue or a professional area of interest;
- Provides that volunteer work may include, but not be limited to, a business or government internship or employment with a nonprofit community service organization; and
- Establishes accountability requirements for student volunteer work that includes documentation in writing by the student, the student's parent, and a representative of the organization for which the student worked.

B. SECTION DIRECTORY:

Section 1. Amends s. 1009.534, F.S., revising student community service requirements for eligibility for the Florida Academic Scholars award.

Section 2. Amends s. 1009.535, F.S., revising student community service requirements for eligibility for the Florida Medallion Scholars award.

Section 3. Amends s. 1009.536, F.S., revising student community service requirements for eligibility for the Florida Gold Seal Vocational Scholars award.

Section 4. Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The fiscal impact of this bill is insignificant.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

Not applicable.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to licenses to carry concealed weapons
 3 or firearms; amending s. 790.06, F.S.; deleting a
 4 provision prohibiting concealed carry licensees from
 5 openly carrying a handgun or carrying a concealed
 6 weapon or firearm into a college or university
 7 facility; providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Paragraph (a) of subsection (12) of section
 12 790.06, Florida Statutes, is amended to read:

13 790.06 License to carry concealed weapon or firearm.—

14 (12)(a) A license issued under this section does not
 15 authorize any person to openly carry a handgun or carry a
 16 concealed weapon or firearm into:

- 17 1. Any place of nuisance as defined in s. 823.05;
- 18 2. Any police, sheriff, or highway patrol station;
- 19 3. Any detention facility, prison, or jail;
- 20 4. Any courthouse;
- 21 5. Any courtroom, except that nothing in this section
 22 would preclude a judge from carrying a concealed weapon or
 23 determining who will carry a concealed weapon in his or her
 24 courtroom;
- 25 6. Any polling place;
- 26 7. Any meeting of the governing body of a county, public

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 school district, municipality, or special district;

28 8. Any meeting of the Legislature or a committee thereof;

29 9. Any school, college, or professional athletic event not
30 related to firearms;

31 10. Any elementary or secondary school facility or
32 administration building;

33 11. Any career center;

34 12. Any portion of an establishment licensed to dispense
35 alcoholic beverages for consumption on the premises, which
36 portion of the establishment is primarily devoted to such
37 purpose;

38 ~~13. Any college or university facility unless the licensee~~
39 ~~is a registered student, employee, or faculty member of such~~
40 ~~college or university and the weapon is a stun gun or nonlethal~~
41 ~~electric weapon or device designed solely for defensive purposes~~
42 ~~and the weapon does not fire a dart or projectile;~~

43 13.14. The inside of the passenger terminal and sterile
44 area of any airport, provided that no person shall be prohibited
45 from carrying any legal firearm into the terminal, which firearm
46 is encased for shipment for purposes of checking such firearm as
47 baggage to be lawfully transported on any aircraft; or

48 14.15. Any place where the carrying of firearms is
49 prohibited by federal law.

50 Section 2. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4005 Licenses to Carry Concealed Weapons or Firearms
SPONSOR(S): Steube and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 176

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	8 Y, 4 N	Cunningham	Cunningham
2) Higher Education & Workforce Subcommittee		Banner (th)	Sherry HS
3) Judiciary Committee			

SUMMARY ANALYSIS

Currently, s. 790.06(12)(a)13., F.S., prohibits those with a valid concealed weapons or concealed firearms license from carrying a concealed weapon or firearm into any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile.

In the wake of several campus shootings, many states are considering legislation about whether or not to permit concealed carry license holders to carry concealed weapons and firearms on college campuses. As of March, 2014, there were 20 states that banned carrying a concealed weapon or firearm on a college campus. In 23 states, the decision to ban or allow concealed carry on campuses is made by each college or university individually. Only 7 states allow concealed carry on college campuses - Colorado, Idaho, Kansas, Mississippi, Oregon, Utah, and Wisconsin.

The bill repeals s. 790.06(12)(a)13., F.S. As a result, those with a valid concealed weapons or concealed firearms license will be allowed to carry a concealed weapon or concealed firearm into any college or university facility.

To the extent that institutions may elect to hire, train and equip additional uniformed officers, as well as upgrade existing facilities with additional safety and security measures, the bill may have a negative fiscal impact.

The bill is effective July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Concealed Carry Licensure

Section 790.06, F.S., authorizes the Department of Agriculture and Consumer Services (DACS) to issue licenses to carry concealed weapons or concealed firearms to qualified applicants. The statute defines concealed weapons or concealed firearms as a handgun, electronic weapon or device, tear gas gun, knife, or billie, but not a machine gun.¹

As of December 31, 2014, there were 1,345,558 people with concealed carry licenses in Florida.² The age profile of concealed carry license holders is as follows:

- 246,632 license holders between the ages of 21-35;
- 353,476 license holders between the ages of 36-50;
- 427,841 license holders between the ages of 51-65; and
- 327,269 license holders age 66 and up.³

In order to obtain a concealed carry license, a person must complete, under oath, and submit to DACS,⁴ an application that includes:

- The name, address, place and date of birth, race, and occupation of the applicant;
- A statement that the applicant is in compliance with the criteria contained in ss. 790.06(2) and (3), F.S. (described below);
- A statement that the applicant has been furnished with a copy of ch. 790, F.S., and is knowledgeable of its provisions;
- A conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal penalties; and
- A statement that the applicant desires a concealed weapon or firearm license as a means of lawful self-defense.⁵

The applicant must also submit the following to DACS:

- A nonrefundable license fee not to exceed \$70 (if the applicant has not previously been issued a statewide license) or \$60 (for renewal of a statewide license);
- A full set of fingerprints administered by a law enforcement agency, DACS, or an approved tax collector;
- Documented proof of completion of a firearms safety and training course; and
- A full frontal view color photograph of the applicant taken within the preceding 30 days.⁶

Section 790.06(2), F.S., requires DACS to issue a concealed carry license if the applicant:

¹ Section 790.06(1), F.S.

² Florida Department of Agricultural and Consumer Services, *Number of Licensees by Type as of Feb. 28, 2015*, available at http://www.freshfromflorida.com/content/download/7471/118627/Number_of_Licensees_By_Type.pdf (last visited on January 20, 2015).

³ Florida Department of Agricultural and Consumer Services, *Concealed Weapon or Firearm License Holder Profile, as of Feb. 28, 2015*, available at http://www.freshfromflorida.com/content/download/7500/118857/cw_holders.pdf (last visited on January 20, 2015).

⁴ Section 790.0625, F.S., authorizes DACS, at its discretion, to appoint tax collectors, as defined in s. 1(d) of Art. VIII of the State Constitution, to accept applications on behalf of the division for concealed weapon or firearm licenses. Such appointment are for specified locations that will best serve the public interest and convenience in applying for these licenses.

⁵ Section 790.06(4), F.S.

⁶ Section 790.06(5), F.S.

- Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;
- Is 21 years of age or older;
- Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is not ineligible to possess a firearm pursuant to s. 790.23, F.S., by virtue of having been convicted of a felony;
- Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;
- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It is presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under ch. 397, F.S., or under the provisions of former ch. 396, F.S., or has been convicted under s. 790.151, F.S., or has been deemed a habitual offender under s. 856.011(3), F.S., or has had two or more convictions under s. 316.193, F.S., or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;
- Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;
- Demonstrates competence with a firearm by completing a specified firearms safety and training course;
- Has not been adjudicated an incapacitated person under s. 744.331, F.S., or similar laws of any other state, unless 5 years have elapsed since the applicant's restoration to capacity by court order;
- Has not been committed to a mental institution under ch. 394, F.S., or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;
- Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;
- Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.

DACS must deny an application if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged.⁷

DACS must revoke a concealed weapons or firearms license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years.⁸

⁷ Section 790.06(3), F.S.

⁸ *Id.*

DACS must, upon notification by a law enforcement agency, a court, or the Florida Department of Law Enforcement and subsequent written verification, suspend a concealed carry license or the processing of an application for such license if the licensee or applicant is:

- Arrested or formally charged with a crime that would disqualify such person from having a license until final disposition of the case; or
- Is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.⁹

In addition, DACS is required to suspend or revoke a concealed license if the licensee:

- Is found to be ineligible under the criteria set forth in s. 790.06(2), F.S.;
- Develops or sustains a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. 790.23, F.S.;
- Is found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state, relating to controlled substances;
- Is committed as a substance abuser under ch. 397, F.S., or is deemed a habitual offender under s. 856.011(3), F.S., or similar laws of any other state;
- Is convicted of a second violation of s. 316.193, F.S., or a similar law of another state, within 3 years of a previous conviction of such section, or similar law of another state, even though the first violation may have occurred prior to the date on which the application was submitted;
- Is adjudicated an incapacitated person under s. 744.331, F.S., or similar laws of another state; or
- Is committed to a mental institution under ch. 394, F.S., or similar laws of another state.¹⁰

Concealed carry licenses are valid for 7 years from the date of issuance. Licensees must carry their license and valid identification any time they are in actual possession of a concealed weapon or firearm and display both documents upon demand by a law enforcement officer. Failure to have proper documentation and display it upon demand is a noncriminal violation punishable by a penalty of \$25, payable to the clerk of the court.¹¹

Locations Where Concealed Carry is Prohibited

Section 790.06(12)(a), F.S., specifies that a concealed carry license does not authorize a person to carry a concealed weapon or firearm into:

1. Any place of nuisance as defined in s. 823.05;
2. Any police, sheriff, or highway patrol station;
3. Any detention facility, prison, or jail;
4. Any courthouse;
5. Any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom;
6. Any polling place;
7. Any meeting of the governing body of a county, public school district, municipality, or special district;
8. Any meeting of the Legislature or a committee thereof;
9. Any school, college, or professional athletic event not related to firearms;
10. Any elementary or secondary school facility or administration building;
11. Any career center;
12. Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;
13. Any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon

⁹ *Id.*

¹⁰ Section 790.06(10), F.S.

¹¹ Section 790.06(1), F.S.

- or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;
14. The inside of the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or
 15. Any place where the carrying of firearms is prohibited by federal law.

Any person who willfully carries a concealed weapon or firearm into any of the above-listed locations commits a second degree misdemeanor^{12, 13}.

Concealed Carry on College and University Campuses

In the wake of several campus shootings, many states are considering legislation about whether or not to permit concealed carry license holders to carry concealed weapons and firearms on college campuses. For some, these events point to a need to ease existing firearm regulations and allow concealed weapons and firearms on campuses. Others argue the solution is tightening restrictions to keep guns off campuses.¹⁴

As of March, 2014, there were 20 states that banned carrying a concealed weapon or firearm on a college campus.¹⁵ In 23 states, the decision to ban or allow concealed carry on campuses is made by each college or university individually.¹⁶ Only 7 states allow concealed carry on college campuses - Colorado, Idaho, Kansas, Mississippi, Oregon, Utah, and Wisconsin.¹⁷

Effect of Proposed Changes

The bill repeals s. 790.06(12)(a)13, F.S. allowing all persons with a valid concealed carry license to carry a concealed weapon or concealed firearm into any college or university facility.

B. SECTION DIRECTORY:

Section 1. Amends s. 790.06, F.S., relating to license to carry concealed weapon or firearm.

Section 2. Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

¹² A second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. Sections 775.082 and 775.083, F.S.

¹³ Section 790.06(12), F.S.

¹⁴ *Guns on Campus: Overview*, National Conference of State Legislatures, <http://www.ncsl.org/research/education/guns-on-campus-overview.aspx> (last visited on January 20, 2015).

¹⁵ California, Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, South Carolina, Tennessee, Texas, and Wyoming. *Id.*

¹⁶ Alabama, Alaska, Arizona, Arkansas, Connecticut, Delaware, Hawaii, Indiana, Iowa, Kentucky, Maine, Maryland, Minnesota, Montana, New Hampshire, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington, and West Virginia. *Id.*

¹⁷ *Id.*

To the extent that institutions may elect to hire, train and equip additional uniformed officers, as well as upgrade existing facilities with additional safety and security measures, the bill may have a negative fiscal impact.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable, because the bill does not appear to require the counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties and municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES