



# 2015 LEGISLATIVE *REVIEW*

FLORIDA COMMISSIONER  
OF EDUCATION

*Pam Stewart*



FLORIDA DEPARTMENT OF  
**EDUCATION**  
fldoc.org



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## INTRODUCTION

This booklet is an overview of legislation impacting education that was passed by the Florida Legislature during the 2015 Regular Legislative Session.

Access to all bills, their final action, legislative staff analyses, floor amendments, bill history and Florida Statute citations are available through several websites which are provided below.

For additional information on legislation passed by the Florida Legislature, which impacts education, you may visit the Governmental Relations website at <http://www.fldoe.org/about-us/governmental-relations> or contact the Florida Department of Education's Office of Governmental Relations at 850-245-0507.

Florida House of Representatives:

<http://www.myfloridahouse.gov/>

Florida Senate:

<http://www.flsenate.gov/>

Online Sunshine:

<http://www.leg.state.fl.us/Welcome/index.cfm?CFID=197225232&CFTOKEN=39851043>

Florida Department of State, Laws of Florida:

<http://laws.flrules.org/node>

Governor of Florida:

<http://www.flgov.com/>



**HB 41 Hazardous Walking Conditions**  
(CH. 2015-XX, Laws of Florida)

**Bill Sponsor:** Representative Metz

**Effective Date:** July 1, 2015

**DOE Contact:** Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

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**Executive Summary:**

This bill revises the criteria used to determine hazardous walking conditions for public school students and the procedures for identification and inspection of the perceived hazardous location. It requires that school districts work with the state and/or local government that has jurisdiction over the roadway to develop a plan to correct the identified hazard within the jurisdiction's five-year transportation work plan or provide a statement to the school superintendent indicating that the hazard will not be corrected. The bill protects the school district in civil actions that may be brought against it because of hazards and allows the school district to enter into interlocal agreements with other governmental entities to identify and correct hazards. The bill also provides for a toll-free telephone hotline to allow the public to report unsafe school bus operators.

**Section 1.**

Identifies this act as "Gabby's Law for Student Safety."

**Section 2.**

Amends s.1006.23, F.S., Hazardous walking conditions, to:

- Revise the criteria that identify a hazardous walking condition for public school students who walk parallel to the roadway, as follows:
  - Retains the requirement for an area to be at least four feet wide adjacent to the road for students to walk to and from school, but excludes drainage ditches, sluiceways, swales or channels from inclusion in the required four-foot walkway;
  - Reduces the posted speed limit from 55 miles per hour to 50 miles per hour or greater, and requires uncurbed roads to have at least a three-foot buffer from the edge of the road to the required four-foot area on which students walk to and from school;
  - Removes the exception for residential roads with little or no transient traffic.
- The bill creates additional criteria to be used to identify hazardous walking conditions for students who may be "crossing over the road" (currently known as walking perpendicular to the roadway). The bill also states that any road with an uncontrolled crossing site will be considered a hazardous walking condition if the road has:
  - A posted speed limit of 50 miles per hour or greater; or
  - Six lanes or more, not including turn lanes, regardless of the speed limit.

- The bill provides new language for inspection of a perceived hazardous walking condition. When a request is initiated by the district school superintendent, the perceived hazardous walking condition must be inspected jointly by representatives of:
  - The school district;
  - The state or local government with jurisdiction over the road;
  - The municipal police department for a municipal road, the sheriff's office of a county road, or the Department of Transportation for a state road; and
  - The metropolitan planning organization, if the jurisdiction is within an area for which one exists.
- The bill states that the governmental representatives shall determine whether the condition constitutes a hazardous walking condition. If the representatives agree that the condition constitutes a hazardous walking condition, they must report, in writing, the determination to the district school superintendent. The district school superintendent must then request a position statement regarding the correction of the condition from the state or local government with jurisdiction. The state or local government must respond within 90 days. Within 90 days after receiving a request to correct a hazardous walking condition, the state or local government must inform the district school superintendent whether it will include the correction in its next annual five-year transportation work program and, if so, when it will be completed. If the hazardous walking condition is not included in the five-year transportation work program, justification must be provided in writing to the district school superintendent and the Florida Department of Education (FDOE). If the governmental representatives are unable to reach a consensus on whether an issue is a hazardous walking condition, they must report their findings to the district school superintendent. The bill is unclear as to which representative will submit a report to the district school superintendent. The district school superintendent must then submit a report and recommendation to the district school board.
- The bill authorizes a district school board to initiate a proceeding seeking a declaratory judgment proceeding as to whether the condition constitutes a hazardous walking condition after providing at least 30 days' notice in writing to the state or local government with jurisdiction over the road. The bill states that the district school board is responsible for providing evidence of the hazardous walking condition. If the district school board obtains a declaratory judgment, the superintendent must report the finding to FDOE and formally request correction of the hazardous condition.
- The bill states that, in a civil action for damages brought against a government entity under s. 768.28, F.S., the designation of a hazardous walking condition under this section is not admissible in evidence.
- The bill allows a district school board and other governmental entities to enter into an interlocal agreement for the identification and correction of hazardous walking conditions as long as the agreement:
  - Implements the Safe Paths to School Program; or
  - Establishes standards for student safety and identifies and corrects hazardous walking conditions that meet or exceed the standards established in this bill.

### Section 3.

Amends s. 1012.45, F.S., School Bus Drivers; Requirements and Duties, to:

- Allow a district school board to establish a safe driver toll-free telephone hotline. The telephone hotline will allow motorists or others who observe improper driving or operation by a school bus driver to report such violations to the district school board for investigation. The bill does not mandate the establishment of a telephone hotline.



**Section 4.**

Provides an effective date of July 1, 2015

**General Implementation Timeline:**

July 1, 2015      The act becomes effective.



**HB 71 Service Animals**  
(CH. 2015-XX, Laws of Florida)

**Bill Sponsor:** Representative Smith

**Effective Date:** July 15, 2015

**DOE Contact:** Robert Doyle, Executive Director, Division of Blind Services, (850) 245-0331

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**Executive Summary:**

The bill revises definitions related to the use of service animals by expanding the definition of an individual with a disability, public accommodations and what is considered a service animal. Requires public accommodations to modify its policies and procedures to permit service animals and provide for penalties for denying service animal's access to public accommodations.

**Section 1.**

Amends s. 413.08, F.S., Rights and responsibilities of an individual with a disability; use of a service animal; prohibited discrimination in public employment, public accommodations, and or housing accommodations; penalties, to:

- Expand the definition of an Individual with a disability to include a person who has a physical or mental impairment that substantially limits one or more major life activities of the individual.
- Define major life activity to mean functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- Define physical or mental impairment to include:
  - A physiological disorder or condition, disfigurement, or anatomical loss that affects one or more bodily functions; and,
  - A mental or psychological disorder.
- Define public accommodation and provides policy, practice and procedure requirements. Provides a penalty for interference with rights of individual with a disability or the trainer of a service animal.
- Define service animal to be trained dogs and miniature horses.
- Define the rights and responsibilities of a person with a disability relating to use of service animals.
- Provide penalties for persons who misrepresents herself or himself as being qualified to use a service animal or a trainer of a service animal.

**Section 2.**

Provides an effective date of July 1, 2015

**General Implementation Timeline:**

July 1, 2015      The act becomes effective.



**HB 153 Literacy Jump Start Pilot Project  
(CH. 2015-XX, Laws of Florida)**

**Bill Sponsor:** Representative Lee

**Effective Date:** July 1, 2015

**DOE Contact:** Rodney MacKinnon, Executive Director of the Office of Early Learning, (850) 717-8550

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**Executive Summary:**

The bill requires the Office of Early Learning (OEL) to establish a 5-year Literacy Jump Start Pilot Project in St. Lucie County to provide emergent literacy instruction to low-income, at-risk children. OEL must select a local nonprofit organization to administer the pilot project and one or more municipalities to participate in the project. Emergent literacy instruction must be delivered in a subsidized housing unit located within an eligible municipality to facilitate parent and child access to services. The organization may coordinate with the St. Lucie County Health Department to provide basic health screening and immunization in conjunction with emergent literacy instruction.

**Section 1.**

Creates an unnumbered section of law, to:

- Require the Office of Early Learning (OEL) in the Florida Department of Education to establish the five-year Jump Start Literacy Pilot Project in St. Lucie County for at-risk children for the purpose of developing emergent literacy skills.
- Specify that implementation will be in one or more municipalities in St. Lucie County in which a locally or federally subsidized housing unit is located. The selection of sites will be made in consultation with the Early Learning Coalition of St. Lucie County.
- Require the OEL to seek partnerships with local nonprofit organizations and businesses to implement the pilot project.
- Define “emergent literacy” as a variety of early behaviors and skills associated with successful reading and writing development.
- Require the instruction to occur in the subsidized housing unit.
- Specify eligibility requirements for participants as two to three years of age, eligibility for a federally subsidized child care program, and a member of a family that is economically disadvantaged, and resides in a locally or federally subsidized housing unit.
- Define economically disadvantaged as a family income that does not exceed 150 percent of the federal poverty level.
- Require all of the pilot project organization’s personnel to complete level 2 background screening prior to receipt of funds.
- Require instructors in the pilot project to complete an emergent literacy course approved by OEL.
- Encourage the organization to coordinate with the St. Lucie Department of Health to provide basic health screening and immunization services. Encourages the organization to engage in outreach efforts to improve the availability and effective delivery of emergent literacy instruction.



- Require the pilot project organization to submit an accountability report by December 31 of each year providing instruction to OEL, Early Learning Coalition of St. Lucie County, the Governor, the President of the Senate, and the Speaker of the House of Representatives.
- Require OEL to allocate funds for this project.

## **Section 2.**

Provides for an effective date of July 1, 2015

### **General Implementation Timeline:**

July 1, 2015      The act becomes effective.



**HB 371 Agency Inspectors General**  
(CH. 2015-XX, Laws of Florida)

**Bill Sponsor:** Representative Raulerson

**Effective Date:** July 1, 2015

**DOE Contact:** Mike Blackburn, Inspector General, (850) 245-9418

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**Executive Summary:**

The Office of Inspector General (OIG) is established in each agency to provide a central point for the coordination and responsibility for activities that promote accountability, integrity, and efficiency in government. Inspectors general under the jurisdiction of the Cabinet or the Governor and Cabinet are appointed by the agency head and may only be removed by the agency head. Inspectors general under the jurisdiction of the Governor are appointed by the Chief Inspector General (CIG) and may only be removed by the CIG. The CIG within the Executive Office of the Governor provides oversight and monitors the activities of the agency inspectors general under the Governor's jurisdiction.

**Section 1.**

Amends s. 20.055, F.S., Agency inspectors general to:

- Add the Office of Early Learning (Office) to the definition of "state agency" and add the executive director of the Office of Early Learning as an "agency head".
- Require a national search for an inspector general to be initiated within 60 days after a vacancy or anticipated vacancy of a position of inspector general.
- Authorize the CIG to appoint other office of inspector general management personnel as interim inspector general until a successor inspector general is appointed.
- Prohibit a former or current elected official from being appointed as an inspector general within five years after the end of his or her term of office, but provides exceptions.
- Add additional qualifications for the position of inspector general for agencies under the jurisdiction of the Governor, which include certification, education, and experience requirements.
- Prohibit an inspector general, or an officer or employee of an OIG, from holding or running for elective office with the state, county, or other political subdivision or holding office in a political party or committee.
- Require other agency, district, board, commission, contractor, or subcontractor personnel to cooperate with an inspector general.
- Require a statement in each contract or program for every state officer, employee, agency, special district, board, commission, contractor, and subcontractor to require cooperation with the inspector general.

**Section 2.**

Amends s. 14.32, F.S., Office of Chief Inspector General to:

- Authorize the CIG to hire or retain legal counsel.

- Authorize the CIG to issue and enforce subpoenas relating to agencies under the jurisdiction of the Governor.
- Authorize the CIG to require or permit a person to file a statement in writing, under oath or otherwise, as to all the facts and circumstances concerning the matter to be audited, examined, or investigated.
- Authorize the CIG to petition the circuit court of the county in which the person subpoenaed resides or has his or her principal place of business for an order requiring the subpoenaed person to appear and testify and to produce documents, reports, answers, records, accounts, or other data as specified in the subpoena in the event that a person does not comply with a subpoena issued pursuant to this subsection.

### **Section 3.**

Provides for an effective date of July 1, 2015

#### **General Implementation Timeline:**

July 1, 2015      The act shall become effective.



**HB 435 Administrative Procedures  
(CH. 2015-XX, Laws of Florida)**

**Bill Sponsor:** Representative Adkins

**Effective Date:** July 1, 2015

**DOE Contact:** Matthew Mears, General Counsel, (850) 245-0442

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**Executive Summary:**

The bill enhances the procedures for petitioning an agency to adopt a rule, increases the requirements to electronically publish rulemaking notices, authorizes a party to challenge a rule as a defense to agency action, modifies the deadline to file an appeal from an agency final order, and requires agencies to list "minor violation" rules.

**Section 1.**

Amends s. 120.54, F.S., Rulemaking, to:

- Establish deadlines for publication of a notice of rule development and a notice of proposed rule when an agency which initiates rulemaking in response to a petition to initiate rulemaking.
- Provide that the agency may not rely upon the unadopted rule unless the agency publishes a statement explaining why rulemaking is not feasible or practicable until conclusion of the rulemaking proceeding.

**Section 2.**

Amends s. 120.55, F.S., Publication, to:

- Add the following to the items which must be published in the Florida Administrative Register
  - A list of rules filed for adoption in the previous seven days.
  - A list of all rules filed for adoption pending legislative ratification.
- Require an agency which provides an e-mail notification service to use that service to provide the various rulemaking notices, with internet links to the proposed rule or final rule.
- Provide that failure to follow the publication provisions of this section may not be raised in a rule challenge proceeding.

**Section 3.**

Amends s. 120.56, F.S., Challenges to Rules, to:

- Modify the language for clarity, without significant change to the effect of the section.

**Section 4.**

Amends s. 120.57, F.S., Additional Procedures for Particular Cases, to:

- Allow a party to an administrative proceeding as a result of agency action to challenge the rule that is the basis for the agency action as a defense in the proceeding, and provide procedures for doing so.
- Prohibit an agency from basing agency action on an unadopted rule or an invalid rule.

#### Section 5.

Amends s. 120.68, F.S., Judicial Review, to:

- Provide that the 30 days to institute an appeal commences on the day the order is filed with the agency clerk.
- Provide that if a party receives the order later than the 25<sup>th</sup> day after filing with the agency clerk, the time for filing the appeal is extended by 10 days after receipt of the order.

#### Section 6.

Amends s. 120.695, F.S., Notice of Noncompliance, Designation of Minor Violation of Rules, to:

- Require each agency by June 30, 2016, to review its rules, and certify those rules which have been designated as those which, if violated, are minor violations, to the President of the Senate, the Speaker of the House, the Joint Administrative Procedure Committee ("JAPC") and the rules ombudsman.
- Require each agency by July 1, 2016, to publish a list of such rules, or incorporate the designation in the agency's disciplinary rules.
- Require the agency head to certify whether any new rule is designated as a rule the violation of which would be a minor violation, and update the list.
- Authorize the Governor or the Governor and Cabinet to direct a different "minor violation" designation for particular agency rules.
- Exempt educational units and the regulation of teachers from the requirement to designate "minor violation" rules.

#### Section 7.

Provide an effective date of July 1, 2015

#### General Implementation Timeline:

July 1, 2015      The act becomes effective.

June 30, 2016      Required list of "minor violation" rules must be compiled.



**SB 446 Florida College System Boards of Trustees**  
(CH. 2015-XX, Laws of Florida)

**Bill Sponsor:** Senator Bradley

**Effective Date:** Upon becoming law

**DOE Contact:** Christopher Mullin, Executive Vice Chancellor, Division of Florida Colleges (850) 245-0407

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**Executive Summary:**

The bill requires the district board of trustees for St. Johns River State College to consist of a seven members representing the three-county area (Clay, Putnam and St. Johns counties) the college serves. The bill also requires the Governor to appoint all Florida College System trustees to serve staggered, four-year terms.

**Section 1.**

Amends s. 1001.61, F.S., Florida College System institution boards of trustees; membership, to:

- Specify that the St. Johns River State College district board of trustees shall consist of seven trustees from the three-county area that the college serves.
- Specify that trustees shall be appointed by the Governor to staggered, 4-year terms, subject to confirmation by the Senate in regular session.

**Section 2.**

Provides an effective date of upon becoming law

**General Implementation Timeline:**

Upon effective date.



**HB 461 Independent Nonprofit Higher Educational Facilities Financing**  
(CH. 2015-XX, Laws of Florida)

**Bill Sponsor:** Representative Sullivan

**Effective Date:** July 1, 2015

**DOE Contact:** Tanya Cooper, Director of Governmental Relations, (850) 245-0507

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**Executive Summary:**

The Higher Educational Facilities Financing Authority (HEFFA) is a public corporation which assists eligible Independent Colleges and Universities of Florida in financing and refinancing educational facilities construction, through the issuing of tax-exempt or taxable revenue bonds, which are privately financed. The bill expands the types of projects that HEFFA may finance.

**Section 1.**

Amends s. 243.52, F.S., Definitions, to:

- Expand the definition of "project" to include the following:
  - Structure suitable for student housing;
  - Dining hall;
  - Student union;
  - Administration building;
  - Academic building or library;
  - Laboratory;
  - Research Facility or Athletic Facility;
  - Classroom;
  - Health Care Facility;
  - Other facilities that are used for instruction of students and research.
  - Parking Facilities; and
  - Certain purchases for equipment and machinery

**Section 2.**

Provides an effective date of July 1, 2015

**General Implementation Timeline:**

July 1, 2015      The act becomes effective.



**HB 541 Athletic Trainers**  
(CH. 2015-XX, Laws of Florida)

**Bill Sponsor:** Representative Palsencia

**Effective Date:** January 1, 2016

**DOE Contact:** Tanya Cooper, Director Governmental Relations, (850) 245-0507

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**Executive Summary:**

The bill revises the requirements to become licensed as an athletic trainer by removing the requirement that the applicant must be at least 21 years of age. An applicant who graduated college prior to 2004 must hold a current certification from the Board of Certification. The bill requires the college or university from which the applicant holds a degree to be accredited by the Commission on Accreditation of Athletic Training Education. The degree must be from a professional athletic training degree program. The bill requires an applicant, who applies on or after July 1, 2016, to undergo a criminal background check. Applicants must also be certified in both cardiopulmonary resuscitation and the use of an automated external defibrillator.

**Section 1.**

Amends s. 468.70, F.S., Legislative Intent, to:

- Revise the legislative intent to state that athletic trainers in this state meet minimum requirements for safe practice and that an athletic trainer who falls below minimum competency or who otherwise presents a danger to the public be prohibited from practicing in this state.

**Section 2.**

Amends s. 468.701, F.S., Definitions, to:

- Delete the following definitions and terms:
  - Athlete;
  - Athletic Activity;
  - Athletic injury;
  - Direct Supervision; and
  - Supervision.
- Redefine the term Athletic Trainer as a person who is licensed and has met the education requirements set forth by the Commission on Accreditation of Athletic Training Education or its successor and necessary credentials from the Board of Certification.
- Specify that an Athletic Trainer may not provide, offer to provide, or represent that they are qualified to provide any care or services that they are not qualified to provide.
- Redefine the term Athletic Training to mean service by an athletic trainer under the direction of a physician as specified in s. 468.713, F.S.

**Section 3.**

Amends s. 468.703, F.S., Board of Athletic Training, to:

- Remove staggered terms for members of the Board of Athletic Training. Instead each board member shall be appointed by the Governor for a 4 year term.

**Section 4.**

Amends s. 468.705, F.S., Rulemaking Authority, to:

- Authorize the Board of Athletic Trainers to adopt rules for mandatory requirements and guideline for communication between the athletic trainer and a physician.

**Section 5.**

Amends s. 468.707, F.S., Licensure, to:

- Revise the requirements to become licensed as an athletic trainer by removing the requirement that the applicant must be at least 21 years of age.
- Specify that an applicant who graduated college prior to 2004 must hold a current certification from the Board of Certification.
- Require the college or university from which the applicant holds a degree to be accredited by the Commission on Accreditation of Athletic Training Education. The degree must be from a professional athletic training degree program.
- Require an applicant, who applies on or after July 1, 2016, to undergo a criminal background check.
- Require that applicants must also be certified in both cardiopulmonary resuscitation and the use of an automated external defibrillator.

**Section 6.**

Amends s. 468.709, F.S., Fees, to:

- Remove the requirement that the examination fee not exceed \$200.00.

**Section 7.**

Amends s. 468.711, F.S., Renewal of License, to:

- Align statutory language with changes made by the bill.

**Section 8.**

Amends s. 468.713, F.S., Responsibilities of Athletic Trainers, to:

- Remove the requirement for athletic trainers to practice within the written protocol of a physician, as determined by the Board. Instead, the bill requires athletic trainers to practice under the direction of a physician.
- Authorizes the Board of Athletic Training to adopt rules for mandatory requirements and guidelines for communication between the athletic trainer and a physician.

**Section 9.**

Amends s. 468.715, F.S., Sexual Misconduct, to:

- Align the definition of sexual misconduct for athletic trainers to s. 456.063, F.S.

#### Section 10.

Amends s. 468.717, F.S., Violations and penalties. – Each of the following acts constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s.775.803, to:

- Provide that practicing athletic training, representing oneself as an athletic trainer, or providing athletic trainer services to a patient without being licensed constitutes a first degree misdemeanor.
- Add the following terms under this section of law:
  - Licensed athletic trainer;
  - Abbreviation “AT” or “LAT”; or
  - A similar title or abbreviation that suggests licensure as an athletic trainer.

#### Section 11.

Amends s. 468.719, F.S., Disciplinary actions, to:

- Delete failing to include the athletic trainer's name and license number on any certain types of advertising as an act that constitutes grounds for denial of a license.
- Add that an athletic trainer can be denied a license if they are unable to practice athletic training with reasonable safety and skill because of a mental or physical condition or because of a controlled substance that impairs one ability to practice.

#### Section 12.

Amends s. 468.723, F.S., Exemptions.- This part does not prevent or restrict, to:

- Define “direct supervision” as it relates to this section of law as, the physical presences of an athletic trainer so that the athletic trainer is immediately available to the athletic training student and able to intervene on behalf of the athletic training student in accordance with the standards set forth by the Commission on Accreditation of Athletic Training Education or its successor.
- State that nothing in the athletic training practice act prevents or restricts third party payors from reimbursing employers of athletic trainers for covered services rendered by a licensed athletic trainer.

#### Section 13.

Amends s. 456.0135, F.S., General Background Screening provisions, to:

- Align statutory language with changes made by the bill.

#### General Implementation Timeline:

January 1, 2016                      The act becomes effective.



**HB 553 Public Libraries**  
**(CH. 2015-XX, Laws of Florida)**

**Bill Sponsor:** Representative Perry

**Effective Date:** July 15, 2015

**DOE Contact:** Robert Doyle, Executive Director, Division of Blind Services, (850) 245-0331

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**Executive Summary:**

The sections of the bill related to education direct the Division of Library Services within the Department of State to coordinate with the Department of Education's Division of Blind Services to provide services to the blind and physically handicapped persons. The summary below includes only provisions related to education.

**Section 3.**

Amends s. 257.04, F.S., Publications, pictures, and other documents received to constitute part of State Library; powers and duties of Division of Library and Information Services, to:

- Specify that the Department of State, Division of Library Services shall make all necessary arrangements to coordinate with the Division of Blind Services (DBS) of the Department of Education to provide library services to the blind and physically handicapped persons of the state.

**Section 9.**

Provides an effective date of July 1, 2015

**General Implementation Timeline:**

July 1, 2015      The act becomes effective.



**SB 642 Individuals with Disabilities**  
**(CH. 2015-XX, Laws of Florida)**

**Bill Sponsor:** Senator Benacquisto

**Effective Date:** Upon becoming law

**DOE Contact:** Tanya Cooper, Director of Governmental Relations, (850) 245-0507

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**Executive Summary:**

The bill creates the Florida Achieving a Better Life Experience (ABLE) Program which allows tax-exempt saving accounts for eligible individuals with disabilities. It requires the Florida Prepaid College Board to establish a direct-support organization known as "Florida ABLE, Inc."; authorizing the organization to use certain services, property, and facilities of the Florida Prepaid College Board; requiring the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Children and Families, and the Florida Department of Education (FDOE) to assist, cooperate, and coordinate with the organization in the provision of public information and outreach for the program. The summary below includes only provisions related to education.

**Section 2.**

Creates s. 1009.986, F.S., Florida ABLE Program to:

- Encourage and assist the saving of private funds in tax-exempt accounts in order to pay for the qualified disability expenses or eligible individuals with disabilities.
- Establish State Outreach Partners including the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Children and Families, and FDOE to assist, cooperate, and coordinate with Florida ABLE, Inc. in providing public information and outreach for Florida ABLE Program.

**Section 5.**

- Appropriates \$2,166,000 in recurring and \$1,220,000 in nonrecurring funds from the General Revenue Fund to the Florida Department of Education (FDOE) for the 2015-2016 fiscal year.
- The funds will be transferred from FDOE to the Florida ABLE Program Trust Fund to fund the costs for start-up, staffing, market research, marketing, banking services, investment custodian and consultant services, records administration services, and general operations of Florida ABLE, Inc.
- Requires the funds to be placed into a reserve and authorizes the Florida ABLE, Inc. through the FDOE to submit a budget amendment for release of funds.

**Section 6.**

Provides an effective date upon becoming law.

**General Implementation Timeline:**

Effective date upon becoming law.



**SB 778 Local Government Construction Preferences**  
(CH. 2015-XX, Laws of Florida)

**Bill Sponsor:** Senator Hays

**Effective Date:** July 1, 2015

**DOE Contact:** Linda Champion, Deputy Commissioner, Division of Finance and Operations, (850) 245-0406

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**Executive Summary:**

This bill prevents local governments from having ordinances or regulations that restrict the selection of contractors for construction projects funded 50 percent or more from state funds to include only local vendors.

**Section 1.**

Creates s. 255.0991, F.S., Government construction preferences, to:

- Prohibit any local laws that favor a local contractor in circumstances involving a competitive solicitation for construction services in which 50 percent or more of the cost will be paid from state-appropriated funds.
- Require a state agency or subdivision subject to this law to disclose whether 50 percent or more of the cost of a project will be funded with state-appropriated funds.
- Allow the application of a local preference in a competitive solicitation for construction services in which less than 50 percent of the cost will be paid from state-appropriated funds.

**Section 2.**

Provides an effective date of July 1, 2015

**General Implementation Timeline:**

July 1, 2015      The act becomes effective.

**SB 954 Involuntary Examinations of Minors**  
(CH. 2015-XX, Laws of Florida)

**Bill Sponsor:** Senator Garcia

**Effective Date:** July 1, 2015

**DOE Contact:** Hershel Lyons, Chancellor, Division of Public Schools, (850) 245-0509

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**Executive Summary:**

The bill requires school health services plans to include notification requirements when a student is removed from school, school transportation, or a school-sponsored activity for involuntary examination; provides that health care surrogates and proxies are individuals who may act on behalf of an individual involuntarily admitted to a facility; requires a receiving facility to immediately notify the parent, guardian, caregiver, or guardian advocate of the whereabouts of a minor who is being held for involuntary examination; provides circumstances when notification may be delayed.

**Section 1.**

Amends s. 381.0056, F.S., School health services program, to:

- Revise the definition of “emergency health needs” for purposes of school health services programs to include onsite “evaluation” and add “law enforcement officer” to the list of individuals to whom a student may be released.
- Require each county school health services plan to include a provision for immediate notification to the parent, guardian, or caregiver when a student is removed from school and taken to a receiving facility for an involuntary examination pursuant to s. 394.463, F.S., and the requirements established under ss. 1002.20(3) and 1002.33(9), F.S., as applicable.

**Section 2.**

Amends s. 394.4599, F.S., Notice, to:

- Replace the term “patient” with “individual” throughout s. 394.4599, F.S., and add “health care surrogate or proxy” to the list of parties to whom notice of involuntary admission can be given.
- Require a receiving facility to give notice of the whereabouts of an individual being held for involuntarily examination to the individual’s parent, guardian, or guardian advocate, health care surrogate or proxy, attorney, or representative, by telephone or in person within 24 after arrival.
- Stipulate how notice and contact attempts are to be documented in the clinical record.
- Require a receiving facility to give notice of the whereabouts of a minor who is being held involuntarily for examination to the parent, guardian, caregiver, or guardian advocate, by telephone or other form of electronic communication, immediately upon arrival at the facility.
- Stipulate circumstances under which a facility may delay notification for no more than 24 hours.

- Require the receiving facility to continue with attempts to notify the parent, guardian, caregiver, or guardian advocate until the receiving facility receives confirmation that notification has been received.
- Stipulate that attempts to notify the parent must be repeated at least once every hour for the first 12 hours and once every 24 hours thereafter, until the individual is released or until a petition for involuntary placement is filed with the court pursuant to s. 394.463(2)(i), F.S.
- Allow the receiving facility to seek assistance from law enforcement to notify the minor's parent, if confirmation of notification has not been received within the first 24 hours of arrival.
- Require the receiving facility to document notification attempts in the minor's clinical record.

### Section 3.

Amends s.1002.20, F.S., K-12 student and parent and rights, to:

- Require the school principal or designee to immediately notify the parent when a student is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to s. 394.463, F.S.
- Stipulate that principal or designee may delay notification for no more than 24 hours only if the delay is deemed to be in the student's best interest and a report has been submitted to the central abuse hotline.
- Require each district school board to develop policy and procedures for parent notification.

### Section 4.

Amends s.1002.33, F.S., Charter schools, to:

- Require the charter school principal or designee to immediately notify the parent when a student is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to s. 394.463, F.S.
- Stipulate that charter school principal or designee may delay notification for no more than 24 hours only if the delay is deemed to be in the student's best interest and a report has been submitted to the central abuse hotline.
- Require each charter school governing board to develop policy and procedures for parent notification.

### Section 5.

Provides an effective date of July 1, 2015

### General Implementation Timeline:

July 1, 2015      The act becomes effective.

**HB 985 Maintenance of Agency Final Orders  
(CH. 2015-XX Laws of Florida)**

**Bill Sponsor:** Representative Eisnaugle

**Effective Date:** July 1, 2015

**DOE Contact:** Matthew Mears, General Counsel, (850) 245-0442

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**Executive Summary:**

This bill requires agencies to use the Division of Administrative Hearing's (DOAH) electronic database to host Final Orders. Currently, most agencies host their Final Orders with DOAH but this bill requires it. The bill also designates which Final Orders are subject to this requirement.

**Section 1.**

Amends s. 119.021(3), F.S., Custodial requirements; maintenance, preservation and retention of public records, to:

- Require agencies to permanently maintain records of final agency action.

**Section 2.**

Amends s. 120.53, F.S. Maintenance of agency final orders, to:

- Require agencies to electronically submit a text-searchable copy of each final order to the DOAH for filing, storage and retrieval by the public.
- Provide that the DOAH data base must allow searching of final orders by agency name, date of order, type of order, subject of order, and the terms contained in the order.
- Provide that the final orders that must be stored with DOAH include orders from hearings that affect a party's substantial interests (s. 120.57, F.S.); orders from mediated settlements (s. 120.573, F.S.); an order achieved by informal disposition under s. 120.57(4), F.S., which contains a statement of agency policy that may be the basis of future agency decisions or other statement of precedential value; each declaratory statement issued by an agency (s. 120.565, F.S.); each final order resulting from a rule challenge (s. 120.56, F.S.); or a final order resulting from a summary hearing (s. 120.574, F.S.).
- Require an agency to maintain a list of final orders not required to be electronically transmitted to DOAH under s. 120.57(4), F.S., because they do not contain statements of precedential value.
- Provide that each final order must be put on the agency list or sent to DOAH within 90 days of rendition, and include any documents incorporated by reference unless too large to attach.
- Require agencies to maintain a subject matter index prior to July 1, 2015, but can send such prior final orders to DOAH.
- Provide that the DOAH website shall constitute the official compilation of final orders on or after July 1, 2015, for each agency.



### **Section 3.**

Amends s. 120.533, F.S., Coordination of the transmittal, indexing, and listing of agency final orders by Department of State, to:

- Require the Department of State to coordinate the listing of agency final orders with DOAH.

### **Section 4.**

Amends s. 213.22, F.S., Technical assistance advisements, to:

- Clarify that technical assistance advisements by the Department of Revenue do not have to be listed with DOAH, since they have no precedential value except to the individual receiving it.

### **Section 5.**

Provides an effective date of July 1, 2015

### **General Implementation Timeline:**

July 1, 2015      The act becomes effective.



**HB 7005 Open Government Sunset Review/Commission for Independent Education  
(CH. 2015-XX, Laws of Florida)**

**Bill Sponsor:** Government Operations Subcommittee

**Effective Date:** October 1, 2015

**DOE Contact:** Sam Ferguson, Director, Commission for Independent Education, (850) 245-3200

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**Executive Summary:**

The bill reenacts the public record and public meeting exemptions for investigatory records held by the Commission for Independent Education (commission). In addition, portions of a probable cause meeting which exempt investigatory records are discussed are also exempt from the public meeting requirements. The recording of a closed portion of a meeting and the minutes and findings of such meeting are exempt from public record requirements for a period not to exceed 10 days after the panel makes a determination of probable cause.

**Section 1.**

Amends s.1005.38, F.S., Actions against licensee and other penalties, to:

- Remove Sunset Review clause, effective October 1, 2015, in s.1005.38(6)(b)3, F.S., that provides exemptions from investigatory records held by the commission in conjunction with an investigation are exempt from public record requirements for a period not to exceed 10 days after the panel makes a determination regarding probable cause. Those portions of a meeting of a probable cause panel at which exempt investigatory records are discussed are exempt from the public meeting requirements.

**Section 2.**

Provides for an effective date of October 1, 2015

**General Implementation Timeline:**

October 1, 2015      The act becomes effective.



**HB 7019 Workforce Services**  
**(CH. 2015-XX, Laws of Florida)**

**Bill Sponsor:** Representative Drake

**Effective Date:** Upon becoming law

**DOE Contact:** Rod Duckworth, Chancellor, Division of Workforce Education, (850) 245-0446

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**Executive Summary:**

The bill changes the name of Workforce Florida, Inc. to CareerSource Florida, Inc. and creates a task force to develop the state's plan for implementing the federal Workforce Innovation and Opportunity Act (WIOA) 2014. The summary below includes only provisions related to education.

**Section 1. - Section 59.**

Amends several statutes, to:

- Rename Workforce Florida, Inc. to CareerSource Florida, Inc. in statute.
- The following education related statutes are:
  - 1003.491, F.S.;
  - 1003.492, F.S.;
  - 1003.493, F.S.;
  - 1003.51, F.S.;
  - 1003.52, F.S.;
  - 1004.015, F.S.;
  - 1011.80, F.S.; and
  - 1011.801, F.S.;

**Section 60.**

Creates an unnumbered section of law, to:

- Establish a 20 member taskforce on the preparation for the state's implementation of WIOA. The taskforce is assigned to CareerSource Florida, Inc. for administrative purposes only.
- The task force shall convene no later than June 1, 2015 and shall be composed of the following Department of Education members:
  - Commissioner of Education;
  - Chancellor of the Florida College System;
  - Chancellor of Career and Adult Education;
  - Director of the Division of Vocational Rehabilitation; and
  - Director of the Division of Blind Services.
- The task force shall develop recommendations for the state's implementation of the federal Workforce Innovation and Opportunity Act.



- The task force shall submit a report containing the approved recommendations to the Governor, President of the Senate and the Speaker of the House of Representatives by December 1, 2015.
- CareerSource Florida, Inc. shall incorporate the task force's approved recommendations into the state plan required under the WIOA.
- The task force is abolished June 30, 2016 or at an earlier date provided by the task force.

**General Implementation Timeline:**

The act shall take effect upon becoming law.

June 1, 2015	Task Force shall convene.
December 1, 2015	Task Force recommendations are due.
June 30, 2016	Task Force is abolished.



**HB 7023 Administrative Procedures  
(CH. 2015-XX, Laws of Florida)**

**Bill Sponsor:** Rulemaking Oversight & Repeal Subcommittee

**Effective Date:** July 1, 2015

**DOE Contact:** Matthew Mears, General Counsel, (850) 245-0442

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**Executive Summary:**

The bill requires annual preparation of a regulatory plan which lists rules needed to implement recent legislation, and provides deadlines for publication of notices of rule development and notices of proposed rules.

**Section 1.**

Amends s. 120.54, F.S., Rulemaking, to:

- Replace the present requirement to adopt rules within 180 days after the effective date of the act which requires the rules, with a requirement to adopt rules within the timeframes provided in section 120.74, F.S., as amended in this bill.

**Section 2.**

Substantially rewords s. 120.74, F.S., Agency annual rulemaking and regulatory plans, to:

- Require each agency to prepare a regulatory plan by October 1 of each year which:
  - Lists each law enacted or amended during the previous 12 months which creates or modifies the duties or authority of the agency (except those laws which the Governor or the Attorney General states applies to all or most agencies), and states whether the agency must adopt rules to implement the listed laws, and
    - If rulemaking is necessary, whether a notice of rule development has been published and the date by which the agency expects to publish the notice of proposed rule; or
    - If rulemaking is not necessary, a concise written explanation why.
  - Lists each additional law which the agency expects to implement by rulemaking before the following July 1, and for each state whether the rulemaking is intended to simplify, clarify, increase efficiency, improve coordination with other agencies, reduce regulatory costs, or delete obsolete, unnecessary, or redundant rules.
  - Includes any desired updates to the prior year's plan.
  - If a prior year's plan identified a law as requiring rulemaking, but a notice of rulemaking has not been published:
    - The agency must identify such law and note the applicable notice of rule development by citation to the Florida Administrative Register (FAR), or
    - If the agency has determined that rulemaking is not necessary, identify such law, and provide a concise written explanation why the law can be implemented without rulemaking.

- Includes a certification by the agency head and the principal legal advisor verifying that they have reviewed the plan, that the agency regularly reviews all rules for consistency with the agency's rulemaking authority and laws implemented.
- Require that:
  - The regulatory plan must be published on the agency website or other state website established for publication of administrative law records, with a clearly labeled hyperlink on the agency's primary website homepage.
  - The certification by the agency head and principal legal advisor must be electronically delivered to the Joint Administrative Procedures Committee ("JAPC").
  - A notice in the FAR must be published which identifies the date of publication of the regulatory plan, with a hyperlink or website address providing direct access to the published plan.
- Require that all regulatory plans must be maintained on an active website for at least 10 years after initial publication.
- Require that a notice of rule development must be published for each law identified in the regulatory plan as requiring rulemaking by November 1 of each year, and that the agency must file a certification with JAPC of compliance with this deadline.
- Require that a notice of proposed rule must be published for each law identified in the regulatory plan as requiring rulemaking by April 1 of the following year, providing procedures for extension of this deadline or for concluding that rulemaking is not necessary, and that the agency must file a certification with JAPC of compliance with this deadline.
- Require that if a bill which modifies the agency's legal duties becomes law before the next regular legislative session, the agency must supplement the regulatory plan within 30 days.
- Provide that if the agency fails to publish the regulatory plan or fails to publish the listed notices of proposed rule within 15 days after written demand from JAPC or the chair of any other legislative committee, the agency must deliver a written explanation to JAPC, the President of the Senate, the Speaker of the House of Representatives, and the chair of any legislative committee requesting the explanation of the reasons for noncompliance
- Provide that this section does not apply to educational units.
- Eliminate the biennial rule review.

### Section 3.

Repeals s. 120.7455, F.S., related to Legislative survey of regulatory impacts.

### Section 4.

Provides that any suspension of rulemaking under s. 120.745, F.S. is rescinded.

### Section 5.

Provides an effective date of July 1, 2015.



**General Implementation Timeline:**

July 1, 2015

The act shall become effective.

October 1, 2015 and annually thereafter.

Preparation and publication of a regulatory plan.



**SB 7028 Educational Opportunities for Veterans**  
(CH. 2015-XX, Laws of Florida)

**Bill Sponsor:** Senate Military and Veterans Affairs, Space and Domestic Security

**Effective Date:** Upon becoming law

**DOE Contact:** Christopher Mullin, Executive Vice Chancellor, Division of Florida Colleges, (850) 245-0407

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**Executive Summary:**

The bill expands the currently authorized out-of-state fee waiver for certain veterans included in s. 1009.26, F.S., to include any person physically living in Florida while enrolled and who is entitled to and uses educational assistance provided by the U.S. Department of Veterans Affairs. It also removes the 110 percent limitation on credit hours an eligible student may earn. The bill requires the State Board of Education and Board of Governors to adopt rules and regulations.

**Section 1.**

Amends s. 1009.26(13)(a), F.S., to:

- Expand the currently authorized out-of-state fee waiver for certain veterans included in s. 1009.26, F.S., to include any person physically living in Florida while enrolled and who is entitled to and uses educational assistance provided by the U.S. Department of Veterans Affairs.
- Remove the 110 percent limitation on credit hours an eligible student may earn.
- Add a requirement that the State Board of Education and Board of Governors adopt rules and regulations.

**Section 2.**

Provides an effective date upon becoming a law.

**General Implementation Timeline:**

The act shall take effect upon becoming law.

**HB 7069 Education Accountability**  
**(Ch. 2015-06)****Bill Sponsor:** Representative O'Toole**Effective Date:** Except as otherwise expressly provided in this act, this act shall take effect upon becoming law**DOE Contact:** Juan Copa, Deputy Commissioner, Accountability, Research and Measurement, (850) 245-0505  
Hershel Lyons, Chancellor, Division of Public Schools, (850)245-0509

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**Executive Summary:**

This bill allows school districts to set a school start date as early as August 10<sup>th</sup> each year; limits the number of hours school districts may schedule for testing students to five percent of a student's total school hours; prohibits administration of final exams in addition to statewide, standardized End-of-Course (EOC) assessments; provides flexibility to districts to monitor the reading proficiency of Kindergarten through grade 3 students; addresses provisions relating to promotion to grade 4; allows district employees, such as teacher assistants, to administer state assessments; requires the development and use of a uniform assessment calendar; grants districts flexibility in measuring student performance in grades and subjects not associated with the state assessment program; reduces student performance component to at least one-third of educator evaluations; requires that student performance on the grade 3 English Language Arts (ELA) assessment and assessments for high school graduation shall be linked to 2013-2014 expectations until such time as an independent verification of the psychometric validity of the statewide, standardized assessments occurs; provides that grade 3 students scoring in the lowest quintile on the ELA assessment will be identified as at risk for retention; provides for the allocation of any liquidated damages to entities that incurred damages, if they are collected as a result of the spring 2015 computer-based test administration; and provides that school grades and student growth calculations for teacher evaluation may not be published until after the independent verification.

**Section 1.**

Amends s. 1001.42, F.S., Powers and duties of district school board, to:

- Create an earlier, uniform start date for Florida public schools. All school districts may open schools no earlier than August 10<sup>th</sup> each year.

**Section 2.**

Amends s. 1002.20, F.S., K-12 student and parent rights, to:

- Delete the requirement that school districts regularly assess the reading ability of students in Kindergarten through grade 3 and develop a progress monitoring plan for remediating the deficiency.
  - However, requirements in s. 1008.25, F.S., would continue to require school districts to determine if a student in Kindergarten through grade 3 exhibit a reading deficiency.

**Section 3.**

Amends s. 1003.4156, F.S., General requirements for middle grades promotion, to:

- Delete the statewide requirement for middle grades intensive remediation for reading/ELA and mathematics for students who score Level 1 or Level 2 on the statewide assessments.

**Section 4.**

Amends s. 1003.4282, F.S., Requirements for a standard high school diploma, to:

- Delete the statewide requirement for intensive remediation requirements for reading/ELA and Algebra 1 for students who score Level 1 or Level 2 on the statewide assessments.

#### Section 5.

Amends s. 1003.4285, F.S., Standard high school diploma designations, to:

- Remove passing the grade 11 ELA statewide assessment as a requirement for a high school diploma with a Scholar designation.

#### Section 6.

Amends s. 1003.621, F.S., Academically high-performing school districts, to:

- Require high-performing school districts to comply with the uniform start date of no earlier than August 10<sup>th</sup>.

#### Section 7.

Amends s. 1008.22, F.S., Student assessment program for public schools, to:

- Require that the statewide assessment program be designed, when available, to provide instructional personnel with information about student achievement of the standards and benchmarks for the purpose of improving instruction.
- Remove the requirement for a grade 11 ELA statewide assessment.
- Remove EOC assessment requirements pertaining to graduation and course grading from this section of statute; these passing and course grading requirements, as they pertain to the statewide EOC assessments, continue to be specified in ss. 1003.4156 and 1003.4282, F.S.
- Maintain the requirement that middle grades students not take the comprehensive statewide assessments in mathematics, social studies, or science if they are taking an EOC assessment in the corresponding subject area as part of their course requirements.
- Include references to the ELA and mathematics assessments in the language pertaining to scoring requirements and remove references to the reading and writing assessment scoring requirements, which pertained to the FCAT 2.0.
- Provide that all statewide ELA and mathematics assessments currently not delivered in a computer-based format be delivered through computer-based testing in a computer-based format as follows:
  - Grade 3 ELA assessment beginning in the 2017-2018 school year;
  - Grade 3 mathematics assessment beginning in the 2016-2017 school year;
  - Grade 4 ELA assessment beginning in the 2015-2016 school year; and
  - Grade 4 mathematics assessment beginning in the 2016-2017 school years.
- Require the Commissioner to post the uniform calendar to the Florida Department of Education (FDOE) website and provide it to school districts in an electronic format by August 1 of each year, beginning in 2016. Require the uniform calendar be provided in order to enable each school district and school to populate their calendar with, at a minimum, the following information:
  - Whether the assessment is district- or state-required;
  - The specific data or dates each assessment will be administered;
  - The time allotted to administer each district- or state-required assessment;
  - Whether the assessment is computer- or paper-based;
  - The grade level or subject associated with the assessment;
  - The date the results are expected to be available to teachers and parents;
  - The type of assessment, purpose of the assessment, and the use of assessment results;
  - A glossary of assessment terminology; and

- Estimates of average time for administering state-required and district-required assessments, by grade level.
- Require the State Board of Education to adopt rules for the development of the uniform calendar format that, at a minimum, defines the terms, “summative assessment,” “formative assessment,” and “interim assessment.”
- Require each school district and public school to publish the testing schedules on their websites using the uniform calendar,
  - Submit their schedules to FDOE by October 1 of each year; and
  - Include the assessment calendar in the parent guide required in s. 1002.23, F.S.
- Limit the number of school hours a school district may schedule to administer statewide, standardized and district-required local assessments to no more than five percent of a student's total school hours.
  - If the district schedules more than five percent of a student's total school hours for statewide and district-required local assessments, the district must secure written consent from a student's parent before administering the district-required local assessments.
  - Specifies that this requirement does not pertain to student-elected common placement testing for public postsecondary education, and for students needing additional test accommodations as required by an Individual Educational Plan (IEP) or as appropriate for an English Language Learner (ELL). This provision does not apply to students receiving accommodations in accordance with Section 504 plans.
- Require a school district to provide a student's performance results on district-required local assessments to the student's teachers and parents no later than 30 days after administering such assessments.
- Require FDOE to report statewide assessment results by the end of the school year for any new or renewed contracts.
- Remove the requirement that school districts administer an assessment in all subjects and grade levels and providing instructional personnel with information on student achievement of the standards and benchmarks, when available, for the purpose of improving instruction.
- Require the Commissioner to maintain a statewide item bank with test items that would be shared with school districts. Technical assistance on best assessment practices must be provided to school districts. The Commissioner may discontinue the item bank if it is determined that it is no longer needed due to low school district participation.
- Provide that if liquidated damages are applicable, FDOE shall collect liquidated damages that are due in response to the administration of the spring 2015 computer-based assessments of FDOE's contract with American Institutes for Research, and expend the funds to reimburse affected parties.
- Prohibit school districts from administering final cumulative assessments for courses that have a statewide EOC assessment. A district-required local assessment may be used as the final examination for a non-statewide assessed course.

## Section 8.

Amends s. 1008.24, F.S., Test Administration and security; public records exemption, to:

- Authorize school districts to use district employees to administer and proctor statewide, standardized assessments under the authority of s. 1008.22, F.S., or assessments associated with Florida-approved courses under s. 1003.499, F.S.
- Require the State Board of Education to adopt rules that establish training requirements that must be successfully completed by district employees prior to the employees administering statewide standardized assessments.

## Section 9.

Amends s. 1008.25, F.S., Public school student progression; student support; reporting requirements to:

- Stipulate that it is the Legislature's intent that student progression be determined, in part, by satisfactory performance in ELA and social studies in addition to science and mathematics. References to reading and writing were removed.
- Provide more flexibility to school districts for student progression decisions, which must continue to be based, in part, on performance on the statewide assessments. The bill removes the requirement that school districts specify a level of achievement students must reach in each grade level on the statewide assessments in the subject areas of reading, writing, mathematics, and science, or receive remediation.
  - School districts are required, however, to evaluate students who score below Level 3 on the Florida Standards Assessments in ELA or mathematics to determine their difficulties and needs as well as strategies for improving their performance. Students achieving below satisfactory in ELA and mathematics would be required to have one of the following: a federally mandated plan, a school-wide system of progress monitoring (Level 4 and 5 students may be exempted by the principal), or an individualized progress monitoring plan. Further requirements for the progress monitoring plan are stricken.
- Require that focus must continue to be placed on reading proficiency in grades Kindergarten through 3. High schools are to use all available assessment results to identify and advise students of deficiencies and provide appropriate postsecondary preparatory instruction.
- Require that results used for monitoring student progression be provided to teachers in a timely manner. When available, results must be provided in a manner that assists with improving instruction and must address the following options: acceleration, whole-grade and midyear promotion, early graduation, dual enrollment, the progressive use of digital tools and applications, and virtual instruction. These options must also be addressed in the district's progression criteria portion of the parent guide required by s. 1002.23(5), F.S.
- Require that parents be notified that the statewide assessment in ELA is not the sole determiner for progression to grade 4 (reference to the FCAT is stricken). Parents of a grade 3 student identified as having a deficiency in ELA may at any time request that the school immediately begin collecting the necessary evidence for the portfolio option for progression to grade 4.
- Require the State Board of Education to adopt rules pertaining to grade 3 midyear promotion of students after November 1 that provide a reasonable expectation that the student's progress is sufficient to master appropriate grade 4 reading skills.
- Align the good cause exemption for English Speakers of Other Languages (ESOL) students with the Elementary and Secondary Education Act waiver. Students receiving ESOL services for less than two years also need to have entered a school in the United States within two years to receive the good cause exemption.

## Section 10.

Amends s. 1008.30, F.S., Common placement testing for public postsecondary education, to:

- Remove the requirement that high schools provide common placement testing and postsecondary preparatory instruction in response to the testing for students prior to grade 12 if they score Level 2 or Level 3 on the statewide assessments in reading or ELA or if they score Level 2, Level 3, or Level 4 on the Algebra 1 EOC Assessment.

### Section 11.

Amends s. 1008.34, F.S., School grading system; school report cards; district grade, to:

- Specify that for grade 3 ELA and purposes of high school graduation, student performance shall be linked to 2013-2014 expectations until such time as an independent verification of the psychometric validity of the statewide, standardized assessments occurs. Provides that school grades and student growth results used in teacher evaluations may not be published until the verification is conducted.
  - The independent entity must be selected by a panel consisting of one member appointed by the Governor, one member appointed by the President of the Senate, and one member appointed by the Speaker of the House of Representatives. In selecting the entity, the panel must consider, at a minimum:
    - The national reputation and length of establishment of the entity;
    - The experience and expertise of the independent entity in validating such data; and
    - The use of professional standards, codes, and guidelines that address applicable practices in the profession, such as the Standards for Educational and Psychological Testing.
  - The panel must select the independent entity no later than June 1, 2015. Upon selection of the entity, FDOE shall immediately contract with the independent entity to perform the verification, which must be completed by September 1, 2015. This paragraph is repealed December 31, 2015.
- Provide that students who score in the bottom quintile on the 2014-2015 Grade 3 ELA assessment shall be identified as students at risk of retention. School districts must notify parents of such students, and provide evidence and the appropriate intervention and support services for student success in grade 4.
- Include references to school improvement ratings in appropriate sections of the transition plan, since they are also affected by the transition to new statewide assessments.

### Section 12.

Amends s. 1012.34, F.S., Personnel evaluation procedures and criteria, to:

- Move the date of the required report from the FDOE regarding personnel evaluations from December 1 to February 1 each year. The Commissioner is required to report results on its website rather than to the Governor, President of the Senate, and the Speaker of the House of Representatives.
  - The report must include an analysis that compares district performance evaluation results to indicators of performance calculated by the FDOE using the standards for performance levels adopted by the State Board of Education.
- Require that the evaluation systems for instructional personnel and school administrators provide timely feedback.
- Remove the requirement that the Commissioner consult with experts, instructional personnel, school administrators, and education stakeholders in developing the criteria for the performance levels.
- Reduce the percentage of students' performance in annual performance evaluations from at least 50 percent to at least one-third. This portion of the evaluation must include learning growth or achievement data for teacher and administrators.
  - The proportion of growth or achievement data used in the evaluation may be determined by the district by instructional assignment.
- Require that at least one-third of instructional personnel evaluations be based on instructional practice and that at least one-third of school administrators' evaluations be based on instructional leadership.
- Provide that the remainder of the performance evaluations may include, but are not limited to, other professional job responsibilities as recommended by the State Board of Education or identified by the district school board; and for instructional personnel, peer reviews, objective survey feedback from students and

parents based on teaching practices that are consistently associated with higher student achievement, and other valid reliable measures of instructional practice.

- Clarify that personnel must be fully informed of the data sources and methodologies used in their evaluations.
- Require school districts to use the formulas approved by the Commissioner for statewide, standardized assessments and allow school districts to determine, for all other subject areas and grade levels, how to measure student performance using a methodology determined by the district.
- Provide that the Commissioner may select additional formulas to measure student performance in addition to those approved for ELA and mathematics for the statewide assessments. School districts will be required to use these learning growth formulas for these subject areas and the standards for performance levels adopted by the State Board of Education.
- Require the State Board of Education, by August 1, 2015, to adopt a uniform format in addition to procedures for the submission, review, and approval of school district evaluation systems.
  - The State Board of Education is no longer required to adopt rules that establish student performance levels that if not met will result in an employee receiving an unsatisfactory rating or performance levels that if met will result in an effective or highly-effective rating.
- Remove school district bonus rewards for performance based on outstanding evaluation processes from this section of law.

#### **Section 13.**

Repeals s. 1012.3401, F.S., Requirements for measuring student performance in instructional personnel and school administrator performance evaluations; performance evaluation of personnel for purposes of performance salary schedule, as provisions are updated in s. 1012.34, F.S.

#### **Section 14.**

Amends s. 1012.98, F.S., School Community Professional Development Act, to:

- Require that instructional personnel and administrative personnel who have been evaluated as less than effective participate in professional development programs as part of the improvement prescription, as required by the district school board.

#### **General Implementation Timeline:**

Except as otherwise expressly provided in this act, this act shall take effect upon becoming law



**SB 7078 Child Welfare  
(CH. 2015-XX, Laws of Florida)**

**Bill Sponsor:** Children, Families, and Elder Affairs

**Effective Date:** July 1, 2015

**DOE Contact:** Hershel Lyons, Chancellor, Division of Public Schools, (850) 245-0509

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**Executive Summary:**

The bill authorizes critical incident rapid response teams to review cases of child deaths occurring during an open investigation; requires case staffing when medical neglect is substantiated; requires an epidemiological child abuse death assessment and prevention system; provides intent for the operation of and interaction between the state and local death review committees; specifies membership and duties of local review committees; specifies duties of the state committee; provides for the convening of county or multicounty local review committees; and requires the advisory committee to meet quarterly and submit quarterly reports and requiring the state review committee to submit an annual statistical report to the Governor and the Legislature.

The summary below includes only provisions related to education.

**Section 4.**

Amends s.383.402, F.S., Child abuse death review; State Child Abuse Death Review Committee, to:

- Require that members of the State Child Abuse Death Review Committee, of which a Department of Education representative has long been a member, may be appointed to no more than three consecutive terms.
- Stipulate that local death review committees shall, at a minimum, include appointed representatives from the state attorney's office; medical examiner's office; local Department of Children and Families child protective unit; Department of Health child protection team; community-based care lead agency; school district; a mental health treatment provider; a certified domestic violence center; a substance abuse treatment provider; state, county, or local law enforcement agencies; and any other members who are determined by guidelines developed by the State Child Abuse Death Review Committee.
- Require both the state and local committees to utilize the National Child Death Review Case Reporting System to the extent possible.
- Require (to the extent possible) individuals from the organizations represented on local death review committees or entities who, in a professional capacity, dealt with a child whose death was a result of child abuse or neglect, or with the family of the child, to attend any meetings where the child's case is reviewed.
- Require the state committee to submit an annual statistical report to the Governor, President of the Senate, and Speaker of the House of Representatives by December 1 of each year.

## Section 11.

Amends s.1006.061, F.S., Child abuse, abandonment, and neglect policy, to:

- Require each district school board, charter school, and private school that accepts scholarship students under s.1002.39 or s.1002.395, F.S., to:
  - Post in a public area of the school which is readily accessible and widely used by students, a sign in English and Spanish to contain the following:
    - The statewide toll-free telephone number to the central abuse hotline;
    - Instructions to call 911 for emergencies; and
    - Directions for accessing the Department of Children and Families website for more information on reporting abuse, neglect, and exploitation.
  - Comply with the following requirements for the poster:
    - At least one poster in each school;
    - On a sheet that is at least 11 inches by 17 inches;
    - Produced in large print; and
    - Placed at student eye level.
- Require the department to, develop, and publish on the department's website, a sample notice that includes the information listed in the sub-bullets above.

### General Implementation Timeline:

Upon effective date.