

**The Constitution Revision Commission**  
**COMMITTEE MEETING EXPANDED AGENDA**

**EDUCATION**  
**Commissioner Johnson, Chair**  
**Commissioner Washington, Vice Chair**

**MEETING DATE:** Friday, January 19, 2018

**TIME:** 1:00—6:00 p.m.

**PLACE:** 301 Senate Office Building, Tallahassee, Florida

**MEMBERS:** Commissioner Johnson, Chair; Commissioner Washington, Vice Chair; Commissioners Donalds, Grady, Jordan, Keiser, Levesque, Sprowls, and Stewart

TAB	PROPOSAL NO. and INTRODUCER	PROPOSAL DESCRIPTION and COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>P 32</b> Donalds	EDUCATION, State board of education; School districts; school boards; State University System; Sections 2, 4, and 7 of Article IX of the State Constitution to provide that members of the State Board of Education, district school boards, state university boards of trustees, and the Board of Governors of the State University System shall serve without compensation but are entitled to reimbursement for travel and per diem expenses in accordance with state law.  ED 11/27/2017 Temporarily Postponed ED 01/19/2018 Unfavorable LO	Unfavorable Yeas 3 Nays 4
2	<b>P 25</b> Plymale	EDUCATION, creates s. 8; Section 8 of Article IX of the State Constitution to establish a governance structure for the State College System.  ED 01/19/2018 Amendment Adopted - Temporarily Postponed	Amendment Adopted - Temporarily Postponed
3	<b>P 83</b> Washington	EDUCATION, creates s. 8; Section 8 of Article IX of the State Constitution to specify the purposes of the State College System and to provide for the governance structure of the system.  ED 01/19/2018 Amendment Adopted - Temporarily Postponed	Amendment Adopted - Temporarily Postponed
4	<b>P 44</b> Washington	EDUCATION, State University System; Section 7 of Article IX of the State Constitution to establish the minimum vote threshold required to be met by the board of trustees of a state university and the Board of Governors of the State University System in order to implement any tuition or fee increase.  ED 01/19/2018 Amendment Adopted - Temporarily Postponed	Amendment Adopted - Temporarily Postponed

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Friday, January 19, 2018, 1:00—6:00 p.m.

TAB	PROPOSAL NO. and INTRODUCER	PROPOSAL DESCRIPTION and COMMITTEE ACTIONS	COMMITTEE ACTION
5	<b>P 45</b> Donalds	EDUCATION, Public education; Section 1 of Article IX of the State Constitution to specify that no provision of the State Constitution may be construed to limit the Legislature from making provision for other educational services that are beneficial to the children and families of this state.  ED 01/19/2018 Temporarily Postponed	Temporarily Postponed
6	<b>P 89</b> Washington	EDUCATION, Public education; Section 1 of Article IX of the State Constitution to specify the purpose and intent of the state's public education system.  ED 01/19/2018 Temporarily Postponed	Temporarily Postponed
7	<b>P 71</b> Donalds	EDUCATION, School districts; school boards; Section 4 of Article IX of the State Constitution to specify that the Legislature is authorized to enact general laws providing alternative processes to authorize the establishment of charter schools in the state.  ED 01/19/2018 Amendment Adopted - Temporarily Postponed	Amendment Adopted - Temporarily Postponed
8	<b>P 93</b> Martinez	EDUCATION, School districts; school boards; charter districts; Section 4 of Article IX of the State Constitution to authorize high-performing school districts to become charter districts.  ED 01/19/2018 Not Considered LO	Not Considered
9	<b>P 4</b> Martinez	DECLARATION OF RIGHTS, Religious freedom; Section 3 of Article I of the State Constitution to remove the prohibition against using public revenues in aid of any church, sect, or religious denomination or any sectarian institution.  DR 11/29/2017 Favorable ED 01/19/2018 Temporarily Postponed	Temporarily Postponed

**Constitution Revision Commission  
Education Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 32

Relating to: EDUCATION, State board of education; School districts; school boards; State University System

Introducer(s): Commissioner Donalds

Article/Section affected:

Date: November 22, 2017

	REFERENCE	ACTION
1.	ED	<b>Pre-meeting</b>
2.	LO	

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**I. SUMMARY:**

This proposal revises sections 2, 4, and 7 of Article IX of the Florida Constitution to mandate that members of specific boards of education (state board of education, members of district school boards, members of state university boards of trustees, and members of the board of governors) serve without compensation. The proposal allows for members of these boards to be reimbursed for travel and per diem expenses in accordance with state law.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

Florida law prohibits compensation for all board members listed in the proposal except for district school board members. Section 5 of Article II of the Florida Constitution allows for the compensation of county officers (including school board members) to be established in law. Section 4 of Article IX of the Florida Constitution provides that each school board must consist of at five members.

School Board Member Salary Calculation

Section 1001.395(1), F.S., provides that each member of a district school board shall receive a base salary, based on the population of the county the district school board member serves, with additional compensation added to the base salary for population increments over the minimum for each population group identified in the statute. In addition to the salary provided in s. 1001.395, F.S., each member of a district school

board shall be allowed, from the district school fund, reimbursement of travel expenses as authorized in s. 112.061, Florida Statutes. Section 1001.43(10), F.S., provides that the district school board may adopt policies and procedures necessary for the daily business operation of the district school board, including member compensation and reimbursement for expenses.

According to the 2017-18 Salaries of Elected County Constitutional Officers and School District Officials<sup>1</sup>, school board member salaries currently range from \$25,413 (Lafayette) to \$44,443 (Broward, Dade, Hillsborough, Orange and Palm Beach), with a statewide average salary of \$34,049. In addition to annual salaries, school board members receive compensation in the form of benefits, averaging an estimated \$19,575 per school board member based on 2016-17 fiscal year data.

#### Current Education Board Compensation Limits in Florida Statutes

Florida law provides that members of the State Board of Education,<sup>2</sup> university boards of trustees,<sup>3</sup> the Board of Governors,<sup>4</sup> and college boards of trustees<sup>5</sup> serve without compensation. The members of these boards may be reimbursed for travel expenses in accordance with s. 112.061, Florida Statutes.

### **B. EFFECT OF PROPOSED CHANGES:**

The proposal revises sections 2, 4, and 7 of Article IX of the Florida Constitution to mandate that members of the State Board of Education, district school boards, state university boards of trustees, and Board of Governors serve without compensation. The proposal allows for members of these boards to be reimbursed for travel and per diem expenses in accordance with state law.

The proposal does not affect members of the State Board of Education, the Board of Governors, or college and university trustees since current law prohibits compensation for these positions other than travel reimbursement.

School board member salaries are calculated by a formula established by law<sup>6</sup> and school districts provide funding to compensate the school board members. If adopted, this proposal requires school board members to serve without compensation, but allows for

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<sup>1</sup> Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2017-18, 09/07/17 pgs. 10-11 The Florida Legislature's Office of Economic and Demographic Research. <http://www.edr.state.fl.us/Content/local-government/reports/finsal17.pdf> (last visited 11/21/17).

<sup>2</sup> Section 1001.01(1), F.S.

<sup>3</sup> Section 1001.71(2), F.S.

<sup>4</sup> Section 1001.70(2), F.S.

<sup>5</sup> Section 1001.61(3), F.S.

<sup>6</sup> See s. 1001.395, F.S. For a complete explanation of the history and calculations of school board member salaries, See *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2017-18*, 09/07/17, The Florida Legislature's Office of Economic and Demographic Research. <http://www.edr.state.fl.us/Content/local-government/reports/finsal17.pdf> (last visited 11/21/17).



travel and per diem expenses to be paid. This proposal supersedes s. 1001.395, F.S., which currently governs how school board members are calculated and paid. The impact of this change on the education system is indeterminate.

**C. FISCAL IMPACT:**

The Florida Constitution provides that each district school board must consist of at least five members. The statewide board salaries total \$12,418,689, which is derived by multiplying each district's school board member salary by the number of school board members listed in the 2016-2018 School District Legislative Delegations publication. In addition to salaries, board members also receive approximately \$6,910,079 in benefits, which is estimated based on the ratio of benefits to salaries amounts provided in each district's 2016-17 Annual Financial Report.

The statewide board salaries and benefits total \$19,328,768 (\$12,418,689 salaries plus \$6,910,079 benefits). This proposal eliminates these expenditures, as the board members would no longer be compensated for their services. Because the funds would remain with the school district, they may be redirected to other educational purposes, including instruction and other support services for students.

**III. Additional Information:**

**A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

**B. Amendments:**

None.

**C. Technical Deficiencies:**

There may be a potential conflict with Section 5, Article II of the Florida Constitution which allows for the compensation of county officers (including school board members) to be established in law. For purposes of this analysis, compensation includes salary and benefits.

**D. Related Issues:**

None.



176196

CRC ACTION

Commissioner .  
Comm: FAV .  
01/22/2018 .  
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.

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The Committee on Education (Donalds) recommended the following:

**CRC Amendment (with title amendment)**

Delete lines 26 - 27  
and insert:  
the board, except they shall receive a stipend payment and  
the reimbursement of travel and per diem expenses in accordance  
with Florida law.

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

And the title is amended as follows:

Delete line 9



176196

12 and insert:  
13 state law. School Board members shall also get a  
14 stipend pursuant to state law.  
15

By Commissioner Donalds

donaldse-00056-17

201732\_\_

A proposal to amend

Sections 2, 4, and 7 of Article IX of the State Constitution to provide that members of the State Board of Education, district school boards, state university boards of trustees, and the Board of Governors of the State University System shall serve without compensation but are entitled to reimbursement for travel and per diem expenses in accordance with state law.

Be It Proposed by the Constitution Revision Commission of Florida:

Sections 2, 4, and 7 of Article IX of the State Constitution are amended to read:

#### ARTICLE IX

#### EDUCATION

SECTION 2. State board of education.—The state board of education shall be a body corporate and have such supervision of the system of free public education as is provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state board of education shall appoint the commissioner of education. Members of the state board of education may not be compensated for their services to the board, but may be reimbursed for travel and per diem expenses in accordance with Florida law.

#### SECTION 4. School districts; school boards.—

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district. In each school district there shall be a

Page 1 of 3

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

donaldse-00056-17

201732\_\_

school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law. Members of a school board may not be compensated for their services to the board, but may be reimbursed for travel and per diem expenses in accordance with Florida law.

(b) The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein. Two or more school districts may operate and finance joint educational programs.

#### SECTION 7. State University System.—

(a) PURPOSES. In order to achieve excellence through teaching students, advancing research and providing public service for the benefit of Florida's citizens, their communities and economies, the people hereby establish a system of governance for the state university system of Florida.

(b) STATE UNIVERSITY SYSTEM. There shall be a single state university system comprised of all public universities. A board of trustees shall administer each public university and a board of governors shall govern the state university system.

(c) LOCAL BOARDS OF TRUSTEES. Each local constituent university shall be administered by a board of trustees consisting of thirteen members dedicated to the purposes of the state university system. The board of governors shall establish the powers and duties of the boards of trustees. Each board of trustees shall consist of six citizen members appointed by the governor and five citizen members appointed by the board of governors. The appointed members shall be confirmed by the

Page 2 of 3

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

donaldse-00056-17

201732\_\_

senate and serve staggered terms of five years as provided by law. The chair of the faculty senate, or the equivalent, and the president of the student body of the university shall also be members. Members of a board of trustees may not be compensated for their services to the board, but may be reimbursed for travel and per diem expenses in accordance with Florida law.

(d) STATEWIDE BOARD OF GOVERNORS. The board of governors shall be a body corporate consisting of seventeen members. The board shall operate, regulate, control, and be fully responsible for the management of the whole university system. These responsibilities shall include, but not be limited to, defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs. The board's management shall be subject to the powers of the legislature to appropriate for the expenditure of funds, and the board shall account for such expenditures as provided by law. The governor shall appoint to the board fourteen citizens dedicated to the purposes of the state university system. The appointed members shall be confirmed by the senate and serve staggered terms of seven years as provided by law. The commissioner of education, the chair of the advisory council of faculty senates, or the equivalent, and the president of the Florida student association, or the equivalent, shall also be members of the board. Members of the board of governors may not be compensated for their services to the board, but may be reimbursed for travel and per diem expenses in accordance with Florida law.

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

Meeting Date \_\_\_\_\_

Proposal Number (if applicable) \_\_\_\_\_

\*Topic \_\_\_\_\_

Amendment Barcode (if applicable) \_\_\_\_\_

\*Name \_\_\_\_\_

Address \_\_\_\_\_

Street

City

State

Zip

Phone \_\_\_\_\_

Email \_\_\_\_\_

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

**\*Required**

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

Jan 19, 2018  
Meeting Date

P32  
Proposal Number (if applicable)  
176196

\*Topic Education

\*Name Shawn Frost

Address 113 S. Monroe St. First Floor  
Street  
Tallahassee FL 32301  
City State Zip

Phone (772) 584-1454

Email Frost@ShawnFrost.com

\*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☒ Yes ☐ No Not for CRC

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18  
Meeting Date

32-176196  
Proposal Number (if applicable)

\*Topic School Bd SALARY

\*Name CHRIS COWART

Address 480 MARSHBURN DR.  
Street  
Bronson FL 32621  
City State Zip

Phone 352-486-5231

Email christopher.cowart@levy.org

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

32

Proposal Number (if applicable)

176196

Amendment Barcode (if applicable)

\*Topic

School Board Salary amendment

\*Name

Rosanne Wood

Address

Street

2264 Gressroots Way

Phone

850-878-4635

City

Tall, FL

State

Zip

32311

Email

Wood@woodkengland.net

\*Speaking:

☐

For

☐

Against

☐

Information Only

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Are you representing someone other than yourself?

☐

Yes

☐

No

If yes, who?

FSBA

Are you a registered lobbyist?

☐

Yes

☒

No

Are you an elected official or judge?

☒

Yes

☐

No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

32 - Amendment

Proposal Number (if applicable)

176196

Amendment Barcode (if applicable)

\*Topic SCHOOL BOARD SALARIES AMENDMENT

\*Name MIKE PRESSLEY

Address P.O. BOX 178

Street

MOORE HAVEN

City

FL

State

33471

Zip

Phone 863-673-9158

Email mikepressley178@aol.com

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? GLADES COUNTY SCHOOL BOARD

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/21  
Meeting Date

32-  
Proposal Number (if applicable)

\*Topic Proposal 32 - School Board Salaries

176194  
Amendment Barcode (if applicable)

\*Name Kelly Barrera

Address 101 Greencrest Drive

Phone 904-472-6936

Street Ponte Vedra, FL Zip 32088

Email gn.kbarr@gmail.com

\*Speaking: ☒ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☒ No

If yes, who? Florida School Board Association

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

I traveled from Lee County

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18  
Meeting Date

32  
Proposal Number (if applicable)  
176196  
Amendment Barcode (if applicable)

\*Topic School Board Salaries

\*Name Chris Fabricca

Address 11433 Pembroke Run  
Street  
City Estero FL State Zip 33928

Phone 239-822-8443

Email chrisfp@lee schools.net

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FSBA

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

01/19/2018  
Meeting Date

32  
Proposal Number (if applicable)

176196  
Amendment Barcode (if applicable)

\*Topic SCHOOL BOARD MEMBERS SALARIES

\*Name MILTON BROWN

Address 3399 MAHONEY RD.  
Street

Phone 850-260-5767

VERNON FL. 32462  
City State Zip

Email \_\_\_\_\_

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? WASHINGTON COUNTY

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

Meeting Date \_\_\_\_\_

32  
Proposal Number (if applicable)

\*Topic SCHOOL BOARD SALARIES

176196  
Amendment Barcode (if applicable)

\*Name Mark Johnson

Address 2011 Quailwood Ln

Phone \_\_\_\_\_

Street

Spring Hill

FI

34606

City

State

Zip

Email Johnson-M2@HERB.

142-FL-115

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Herbano School Board

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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\*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

01/19/2018  
Meeting Date

32  
Proposal Number (if applicable)

\*Topic School Board member SALARIES

Amendment Barcode (if applicable)

\*Name MILTON BROWN

Address 3399 MALLORY Rd.

Phone 850-260-5767

Street

VERNON  
City

FL  
State

32462  
Zip

Email MILTONLEONBROWN@YAHOO.COM

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? WASHINGTON COUNTY

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

32

Proposal Number (if applicable)

\*Topic School Bd Salary

Amendment Barcode (if applicable)

\*Name CHRIS COWART

Address 480 MARSHBURN Drive

Phone 352-486-5231

Street

BRONSON

FL

32621

City

State

Zip

Email christopher.cowart@levy.k12

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who?

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

32

Proposal Number (if applicable)

\*Topic School Board Salary

Amendment Barcode (if applicable)

\*Name Rosanne Wood

Address 2264 Grossroots Way

Phone 878-4635

Street

Tallahassee, FL

City

State

Zip

Email

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18  
Meeting Date

32  
Proposal Number (if applicable)

\*Topic SCHOOL BOARD SALARIES

Amendment Barcode (if applicable)

\*Name MIKE PRESSLEY

Address P.O. BOX 178  
Street

Phone 863-673-9158

MOORE HAVEN AL 33471  
City State Zip

Email mike.pressley.178@embargoatl.com

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? GLADES COUNTY SCHOOL BOARD

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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\*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

Meeting Date \_\_\_\_\_

32  
Proposal Number (if applicable)

\*Topic SCHOOL BOARD SALARIES

Amendment Barcode (if applicable) \_\_\_\_\_

\*Name MARK JOHNSON

Address 2011 Quailwood Ln

Phone 352-688-6118

Street

Spring Hill

FL

34606

City

State

Zip

Email Johnson-M2@HCSB.K12  
FL.GOV

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

Jan 19 2018

Meeting Date

32

Proposal Number (if applicable)

\*Topic Salaries for School Board members

Amendment Barcode (if applicable)

\*Name Marie-Claire Leman

Address 1911 Wahalaw Court

Phone 850-728-7514

Street  
Tallahassee

FL

32301

City

State

Zip

Email marieclaireleman@gmail.com

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Common Ground

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/15/18  
Meeting Date

\_\_\_\_\_  
Proposal Number (if applicable)

\*Topic P 32

\_\_\_\_\_  
Amendment Barcode (if applicable)

\*Name Tim Forson

Address 40 Orange St

Phone 904 547-7501

St. Augustine FL 32084  
City State Zip

Email \_\_\_\_\_

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Florida Assoc. of District <sup>School</sup> Superintendents

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

**\*Required**

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1-19-2018  
Meeting Date

P 32  
Proposal Number (if applicable)

\*Topic P 32

\_\_\_\_\_  
Amendment Barcode (if applicable)

\*Name Reginald Daniels

Address \_\_\_\_\_

Phone \_\_\_\_\_

\_\_\_\_\_  
City State Zip

Email \_\_\_\_\_

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

**\*Required**



# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

Jan 19, 2018  
Meeting Date

32  
Proposal Number (if applicable)

\*Topic School Board Members

Amendment Barcode (if applicable)

\*Name Shawn Frost

Address 113 S. Monroe St. Frost Floor  
Street  
Tallahassee FL 32301  
City State Zip

Phone (772) 584-1454  
Email Frost@ShawnFrost.com

\*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☒ Yes ☐ No Not for CEC

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18  
Meeting Date

P32  
Proposal Number (if applicable)

\*Topic School Boards

Amendment Barcode (if applicable)

\*Name Dr. Rich Templin

Address 135 S. Monroe  
Street  
Tallahassee FL 32301  
City State Zip

Phone 850-224-6926  
Email \_\_\_\_\_

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Florida AFL-CIO

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/19/18

Meeting Date

P 32

Proposal Number (if applicable)

\*Topic Eliminate School Board Salary

Amendment Barcode (if applicable)

\*Name Mike Thomas

Address 16077 NE 19 Hwy

Phone 352-498-6131

Street

Cross City

City

FL

State

32628

Zip

Email MichaelThomas@DKIE.K12.FL

CS

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Myself, FADSS

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1-19-18

Meeting Date

P 32

Proposal Number (if applicable)

\*Topic Eliminates School Board Salaries

Amendment Barcode (if applicable)

\*Name Danny Glover

Address 318 N Clark street

Phone 850-838-2500

Street

Perry

City

FL

State

32347

Zip

Email danny.glover@taylor.k12.fl.us

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? myself + Fadss

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

Jan 19, 2018

Meeting Date

P32

Proposal Number (if applicable)

\*Topic School Board Member Compensation

Amendment Barcode (if applicable)

\*Name Laurie Gaylord

Address 6 Saddler Trail

Phone \_\_\_\_\_

Street

Hobe Sound

FL

33455

City

State

Zip

Email \_\_\_\_\_

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

Meeting Date

32

Proposal Number (if applicable)

\*Topic School Board

Amendment Barcode (if applicable)

\*Name Kelly Barrera

Address 101 Greencrest Drive

Phone 844 226 936

Street

Park Veda, FL

3208

City

State

Zip

Email grkbarr@gmail.com

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☒ No

If yes, who? Florida School Board Association

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/19/18  
Meeting Date

P. 32  
Proposal Number (if applicable)

\*Topic Eliminate School Board Salary

Amendment Barcode (if applicable)

\*Name Alex Carswell

Address 612 N.W. Blackberry Circle  
Street  
Lake City FL 32055  
City State Zip

Phone (386) 755-8000  
Email carswell1a@columbia  
ki2.com

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FADSS

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1-18-19  
Meeting Date

32  
Proposal Number (if applicable)

\*Topic Prop 32

Amendment Barcode (if applicable)

\*Name Chris Doolin

Address 1118 B Thomasville Rd  
Street  
Tallahassee, Fla. 32308  
City State Zip

Phone 850-508-5492  
Email cdoolin@netally.com

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Small School Districts

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

32

Proposal Number (if applicable)

\*Topic Salaries

Amendment Barcode (if applicable)

\*Name Joy C. Frank

Address 208 S. Monroe St

Phone

Street

City

Valhalla FL 32301

State

Zip

Email

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FL Association of District School Superintendents

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

P-32

Proposal Number (if applicable)

\*Topic Removal of Salaries / School board etc...

Amendment Barcode (if applicable)

\*Name Bobby Pearce

Address 47 Perchard Circle

Phone 850 519-8433

Street

City

Crawfordville, FL

State

32327

Zip

Email robert.pearce@wcd.us

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FADSS

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

P32

Proposal Number (if applicable)

\*Topic P32 School Board Member Salaries

Amendment Barcode (if applicable)

\*Name Larry Moore

Address P.O. Box 5958 / Jefferson St

Phone 850-482-1200

Street Marianna

Email Larry.Moore@jcsb.org

City FL

State 32446

Zip

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FADSS

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

P-32

Proposal Number (if applicable)

\*Topic P-2 Eliminates School Board Salaries

Amendment Barcode (if applicable)

\*Name TERRY MEARS

Address 1844 Adolph

Phone 850-547-9398

Street Bonfay

Email

City FL

State 32425

Zip

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? FADSS

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

P32

Proposal Number (if applicable)

\*Topic Education, St. Board of Ed, School Districts, School Boards, & Univ Sys Amendment Barcode (if applicable)

\*Name Brenda Longshore

Address 1480 Wilde St.

Street

Avon Park

City

FL

State

33825

Zip

Phone (863) 449-0162

Email longshob@highlands.k12.fl.us

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Highlands County School District

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

19 Jan, 2018

Meeting Date

P32

Proposal Number (if applicable)

\*Topic Education, SBE, School Districts, School Boards

Amendment Barcode (if applicable)

\*Name Robert Edwards

Address 435 NW Lafayette Ave

Street

Mayo

City

FL

State

32066

Zip

Phone 386-294-1809

Email redwards@lesbmail.net

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Lafayette County School Board

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

I traveled from Lee County

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/19/18

Meeting Date

8 32

Proposal Number (if applicable)

\*Topic School Board Salaries

Amendment Barcode (if applicable)

\*Name Chris Patricca

Address 11433 Pembroke Run

Phone 239-822-8643

Street

Estero

FL

33928

City

State

Zip

Email

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☒ No

If yes, who?

FSBA

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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\*Required

**Constitution Revision Commission  
Education Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 25

Relating to: EDUCATION, creates s. 8

Introducer(s): Commissioner Plymale

Article/Section affected: Article IX, new section

Date: January 17, 2018

	REFERENCE	ACTION
1.	ED	<b>Pre-meeting</b>
2.		

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**I. SUMMARY:**

The proposal amends Article IX to create a new section, Section 8, State College System. The new section:

- Sets forth purposes of the state college system;
- Provides that there shall be a single state college system with a board of trustees administering each individually governed college and the board of directors of the college system overseeing the system;
- Sets forth requirements for the local boards of trustees, including a residency requirement, and provides that each member shall be appointed by the governor and confirmed by the senate; and
- Creates a statewide board of directors to “operate, regulate, control, and be fully responsible for the management of the whole college system”; and
- Sets forth requirements for and responsibilities of the statewide board of directors.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

**Overview of Florida College System**

The Florida College System (FCS) is comprised of the 28 FCS institutions.<sup>1</sup> These institutions have received numerous recognitions including:

- #1 State in the country for higher education;
- #1 producer of associate degrees and certifications among southern states;
- #4 community college system;

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<sup>1</sup> FCS institutions are outlined in s. 1000.21(3), F.S. For a full list of FCS institutions see <http://www.fldoe.org/schools/higher-ed/fl-college-system/colleges/>

- 14 Florida colleges are in Aspen's top 150.<sup>2</sup>

The FCS serves 801,023 students with an average age of 25.<sup>3</sup> Three out of 5 standard high school recipients in 2012-13 enrolled in Florida higher education in 2013-14. Of those students, 65.7 percent enrolled in a FCS institution.<sup>4</sup> Fifty-seven percent of FCS students are between 18 and 24, 33 percent are 25 or over, and only 10 percent are under 18. Over half, 65 percent, of FCS student are enrolled full time.<sup>5</sup> Nine out of 10 FCS graduates are continuing education or employed in Florida.<sup>6</sup>

### **History of the Florida College System**

The history of the FCS highlights its local community roots. While the first college was founded in 1927 as a private two-year institution. At their inception universities were governed at the state level, colleges were distinct because they existed exclusively at the local level.<sup>7</sup> In 1939, the Florida Legislature authorized the SBE to approve the establishment of junior colleges in communities with populations over 50,000. The administration and oversight of those institutions themselves were delegated to local boards.<sup>8</sup> As a result of The Community Junior College in Florida's Future report, the Legislature adopted a master plan for Florida's community colleges that would provide 28 colleges located within a commuting distance of 30 miles for 99 percent of the state's population.<sup>9</sup>

### **Governance**

In keeping with the community based roots of the FCS, and as outlined in current law, the Florida College System's (FCS) purpose is to maximize open access for students, respond to community needs for postsecondary academic education and career degree education, and provide associate and baccalaureate degrees that will meet the state's employment needs.<sup>10</sup>

<sup>2</sup> FCS presentation, Florida Senate Education Committee, 10-23-17, [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket\\_3977\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket_3977_2.pdf), slide 4

<sup>3</sup> FCS presentation, Florida Senate Education Committee, 10-23-17, [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket\\_3977\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket_3977_2.pdf), slide 3

<sup>4</sup> FCS presentation, Florida Senate Education Committee, 10-23-17, [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket\\_3977\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket_3977_2.pdf), slide 6

<sup>5</sup> FCS presentation, Florida Senate Education Committee, 10-23-17, [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket\\_3977\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket_3977_2.pdf), slide 5

<sup>6</sup> FCS presentation, Florida Senate Education Committee, 10-23-17, [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket\\_3977\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket_3977_2.pdf), slide 7

<sup>7</sup> *Tough Choices Facing Florida's Government; Meeting the Needs of Florida: The Florida College System Past and Future*, LeRoy Collins Institute, September 2016.

[http://collinsinstitute.fsu.edu/sites/default/files/Tough%20Choices%20Higher%20Ed%20Book\\_WEB%208-16\\_0.pdf](http://collinsinstitute.fsu.edu/sites/default/files/Tough%20Choices%20Higher%20Ed%20Book_WEB%208-16_0.pdf), page 5

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

<sup>9</sup> <http://www.myafchome.org/assets/site/the%20florida%20community%20college%20system%20history%20with%20update.pdf>, page 2 and [http://collinsinstitute.fsu.edu/sites/default/files/Tough%20Choices%20Higher%20Ed%20Book\\_WEB%208-16\\_0.pdf](http://collinsinstitute.fsu.edu/sites/default/files/Tough%20Choices%20Higher%20Ed%20Book_WEB%208-16_0.pdf), page 6

<sup>10</sup> Section 1001.60(1), F.S.

FCS institutions are governed by a local board of trustees (BOT).<sup>11</sup> These local BOT are responsible for cost-effective policy decisions appropriate to the FCS institution's mission, the implementation and maintenance of high-quality education programs within law and rules of the State Board of Education, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.<sup>12</sup>

In 1979 the Florida Legislature established the State Community College Coordinating Board, and in 1983 replaced that board with the State Board of Community Colleges.<sup>13</sup> In 2001, the statute that established the State Board of Community Colleges was repealed and the Florida college system was placed under the jurisdiction of the Florida Board of Education.<sup>14</sup>

To ensure collaboration and articulation between K-12 and the Florida College System institution, the state board of education provides an additional layer of oversight for the system. Currently, the Constitution provides that the state board of education (SBE) "shall be a body corporate and have supervision of the system of free public education".<sup>15</sup> As such, the state board is authorized to adopt rules to implement the provisions of law conferring duties upon the SBE to improve the state system of K-20 Public education, except for the state university system.<sup>16</sup>

The SBE is responsible for all oversight of the FCS including:

- Adopting uniform associated with successful performance and progression through the baccalaureate level.<sup>17</sup>
- Addressing FCS future growth issues,<sup>18</sup> including criteria for modifying district boundary lines for FCS institutions<sup>19</sup> or establishing new centers or campuses<sup>20</sup>.
- Adopting a strategic plan that specifies goals and objectives for the state's public schools and Florida College System institutions.<sup>21</sup>
- Providing FCS institutions with educational training and service programs designed to meet the needs of both students and communities served.<sup>22</sup>
- Adopting rules used by the FCS intuition BOTS for annual evaluations of presidents and review the BOT evaluations of their president.<sup>23</sup>
- Examining the annual administrative review of each Florida College System institution.<sup>24</sup>

<sup>11</sup> Sections 1001.60(3), 1001.61(1), and 1004.65(1), F.S.

<sup>12</sup> Section 1001.64(1), F.S.

<sup>13</sup> The Florida College System Fact Book, 2016 <http://www.fldoe.org/core/fileparse.php/15267/urlt/FactBook2016.pdf>

<sup>14</sup> Ch. 2000-321, L.O.F. <http://laws.flrules.org/2000/321>

<sup>15</sup> Article IX, Section 2 Fl. Const.

<sup>16</sup> Section 1001.02(1), F.S.

<sup>17</sup> Section 1001.02(2)(d), F.S.

<sup>18</sup> Section 1001.02(2)(u), F.S.

<sup>19</sup> Section 1001.02(4)(d), F.S.

<sup>20</sup> Section 1001.02(4)(e), F.S.

<sup>21</sup> Section 1001.02(3)(a), F.S.

<sup>22</sup> Section 1001.02(4)(a), F.S.

<sup>23</sup> Section 1001.02(4)(b), F.S.

<sup>24</sup> Section 1001.02(4)(f), F.S.

- Reviewing and administering the FCS funding formula<sup>25</sup>
- Prescribing minimum standards, definitions, and guidelines for FCS institutions that will ensure the quality of education, coordination among the Florida College System institutions and state universities, and efficient progress toward accomplishing the FCS institution mission.<sup>26</sup> Additional specifics are outlined in law.<sup>27</sup>
- Providing cyclic review of all academic programs in FCS institutions<sup>28</sup> and reviewing and approving proposals by FCS intuitions to offer baccalaureate degree programs.<sup>29</sup>
- Identifying performance metrics for the FCS and developing a plan that specifies goals and objectives for each FCS institution.<sup>30</sup>

## **B. EFFECT OF PROPOSED CHANGES:**

The proposal revises Article IX to create a new section, Section 8, State College System.

The proposal establishes a new governance structure for the State College System. The new section:

- Sets forth purposes of the state college system;
- Establishes that there shall be a single state college system comprised of all public community and state colleges;
- Sets forth requirements for the local BOT
- Creates a statewide board of directors to “operate, regulate, control, and be fully responsible for the management of the whole college system”; and
- Sets forth requirements for and responsibilities of the statewide board of directors.

The proposal outlines the powers and duties of the local board of trustees at constituent colleges. A member of the BOT must be a resident of the service delivery area of the college and each member shall be appointed by the governor and confirmed by the senate.

The proposal details the powers and membership of the Board of Directors of the State College System. The proposed Board of Directors would be compromised of seventeen members. The governor shall appoint sixteen citizens to the board which shall include a state college faculty member and a student of the state college system. These appointed members shall be confirmed by the senate and serve staggered terms of five years, except for the faculty member and student. The faculty member shall serve a two-year term and the student member shall serve a one-year term as provided by law. The commissioner of education shall also be a member of the board.

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<sup>25</sup> Section 1001.02(5), F.S.

<sup>26</sup> Section 1001.02(6)

<sup>27</sup> Section 1001.02(6)(a)-(i), F.S.

<sup>28</sup> Section 1001.03(13), F.S.

<sup>29</sup> Section 1001.03(15), F.S.

<sup>30</sup> Section 1001.03(16), F.S.



The proposed Board of Directors shall operate, regulate, control, and be fully responsible for the management of the whole college system. The proposal provides that the board's management shall be subject to the legislature's power to appropriate for the expenditure of funds and that the board shall account for such expenditures as provided by law.

If adopted, the proposal would transfer the oversight of the state colleges from the SBE to the newly created Board of Directors. This would mimic the current structure for the State University System in Florida. There is the potential for a decrease in coordination between the secondary educational system and colleges with the removal of colleges from the SBE. The FCS has been widely recognized as one of the best in the nation, which is due in part to its integration with the secondary educational system.

**C. FISCAL IMPACT:**

The fiscal impact is indeterminate. There will likely be new costs associated with the establishment of the State College System and creation of a new board of directors. Leading up to and after the effective date, staff time of the new State College System would be employed to support the process of onboarding new board members. There would be a large emphasis on legal and administrative expertise to articulate the powers and duties of the new board, how to employ them and logistical support.

**III. Additional Information:**

**A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

**B. Amendments:**

None.

**C. Technical Deficiencies:**

None.

**D. Related Issues:**

None.



934488

CRC ACTION

Commissioner .  
Comm: FAV .  
01/22/2018 .  
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The Committee on Education (Donalds) recommended the following:

**CRC Amendment**

Delete lines 31 - 38  
and insert:  
college system. Members of a board of trustees must be  
residents of the service delivery area of the college. The board  
of directors shall affirm the powers and duties of the boards of  
trustees as prescribed by law. Each citizen member shall be  
appointed by the governor and confirmed by the senate.  
(d) STATEWIDE BOARD OF DIRECTORS. The board of directors  
shall be a body corporate consisting of seventeen members. The



934488

12 board shall be fully responsible

By Commissioner Plymale

plymales-00030B-17

201725\_\_

A proposal to create

Section 8 of Article IX of the State Constitution to establish a governance structure for the State College System.

Be It Proposed by the Constitution Revision Commission of Florida:

Section 8 of Article IX of the State Constitution is created to read:

# ARTICLE IX

## EDUCATION

### SECTION 8. State College System.—

(a) PURPOSES. In order to achieve excellence and to provide open access to undergraduate education to the students of this state; to originate the 2+2 pathway to a baccalaureate degree; to ensure superior commitment to teaching and learning; and to respond quickly and efficiently to meet the demand of communities by aligning certificate and degree programs with local and regional workforce needs, the people hereby establish a system of governance for the state college system of Florida.

(b) STATE COLLEGE SYSTEM. There shall be a single college system comprised of all public community and state colleges. A board of trustees shall administer each individually governed public college and the board of directors of the college system shall oversee, coordinate, and provide statewide leadership for the state college system.

(c) LOCAL BOARDS OF TRUSTEES. Each local constituent college shall be administered by a local board of trustees, as prescribed by law, dedicated to the purposes of the state college system. A member of a board of trustees must be a resident of the service delivery area of the college. The board

Page 1 of 2

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

plymales-00030B-17

201725\_\_

of directors shall determine the powers and duties of the boards of trustees as prescribed by law. Each citizen member shall be appointed by the governor and confirmed by the senate.

(d) STATEWIDE BOARD OF DIRECTORS. The board of directors shall be a body corporate consisting of seventeen members. The board shall operate, regulate, control, and be fully responsible for the management of the whole college system. These responsibilities shall include, but not be limited to, affirming the distinctive mission of each constituent college, ensuring the well-planned coordination and operation of the system, reinforcing articulation and pathways with public schools and the state university system, and avoiding unnecessary duplication of facilities or programs while assuring open and geographic access. The board's management shall be subject to the powers of the legislature to appropriate for the expenditure of funds, and the board shall account for such expenditures as provided by law. The governor shall appoint to the board sixteen citizens dedicated to the purposes of the state college system, including a state college faculty member and a student of the state college system. The appointed members shall be confirmed by the senate and serve staggered terms of five years, except the faculty member shall serve a two-year term and a student member shall serve a one-year term, as provided by law. The commissioner of education shall also be a member of the board.

Page 2 of 2

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

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

01.19.18

Meeting Date

P 25

Proposal Number (if applicable)

\*Topic SCS Governance

Amendment Barcode (if applicable)

\*Name Bob Nave

Address 106 N. Bronough St

Phone 850.222.5052

Tallahassee FL 32301

Email bnave@floridatexwatch.org

City State Zip

\*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Florida Tax Watch

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/2018  
Meeting Date

25 and 83  
Proposal Number (if applicable)

\*Topic information FCS

Amendment Barcode (if applicable)

\*Name Karen Moore

Address 2011 Delta Blvd

Phone 850-224-0174

Street Tallahassee Fl.

Email Karenmoore@mdc.edu  
group.com

City Tallahassee State Fl. Zip 32303

\*Speaking: ☐ For ☐ Against ☒ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

01/19/2018  
Meeting Date

25 and 83  
Proposal Number (if applicable)

\*Topic Florida College System

Amendment Barcode (if applicable)

\*Name Lenore Rodicio

Address 2944 SW 6 Street

Phone 786.877.2434

Street Miami

Email lrodicio@mdc.edu

City Miami State FL Zip 33135

\*Speaking: ☐ For ☐ Against ☒ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Miami Dade College

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

**Constitution Revision Commission  
Education Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 83

Relating to: EDUCATION, creates s. 8

Introducer(s): Commissioner Washington

Article/Section affected: Article IX, new section

Date: January 17, 2018

	REFERENCE	ACTION
1.	ED	<b>Pre-meeting</b>

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**I. SUMMARY:**

This proposal creates a new section 8 of article IX to specify the purposes of the State College System and provide for the governance structure.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

**Overview of the Florida College System**

The Florida College System (FCS) is comprised of the 28 FCS institutions.<sup>1</sup> These institutions have received numerous recognitions including:

- #1 State in the country for higher education;
- #1 producer of associate degrees and certifications among southern states;
- #4 community college system;
- 14 Florida colleges are in Aspen's top 150.<sup>2</sup>

The FCS serves 801,023 students with an average age of 25.<sup>3</sup> Three out of 5 standard high school recipients in 2012-13 enrolled in Florida higher education in 2013-14. Of

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<sup>1</sup> FCS institutions are outlined in s. 1000.21(3), F.S. For a full list of FCS institutions see <http://www.fldoe.org/schools/higher-ed/fl-college-system/colleges/>

<sup>2</sup> FCS presentation, Florida Senate Education Committee, 10-23-17, [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket\\_3977\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket_3977_2.pdf), slide 4

<sup>3</sup> FCS presentation, Florida Senate Education Committee, 10-23-17, [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket\\_3977\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket_3977_2.pdf), slide 3

those students, 65.7 percent enrolled in a FCS institution.<sup>4</sup> Fifty-seven percent of FCS students are between 18 and 24, 33 percent are 25 or over, and only 10 percent are under 18. Over half, 65 percent, of FCS student are enrolled full time.<sup>5</sup> Nine out of 10 FCS graduates are continuing education or employed in Florida.<sup>6</sup>

### **History of the Florida College System**

The history of the FCS highlights its local community roots. While the first college was founded in 1927 as a private two-year institution. At their inception universities were governed at the state level, colleges were distinct because they existed exclusively at the local level.<sup>7</sup> In 1939, the Florida Legislature authorized the SBE to approve the establishment of junior colleges in communities with populations over 50,000. The administration and oversight of those institutions themselves were delegated to local boards.<sup>8</sup> As a result of The Community Junior College in Florida's Future report, the Legislature adopted a master plan for Florida's community colleges that would provide 28 colleges located within a commuting distance of 30 miles for 99 percent of the state's population.<sup>9</sup>

### **Governance**

In keeping with the community based roots of the FCS, and as outlined in current law, the Florida College System's (FCS) purpose is to maximize open access for students, respond to community needs for postsecondary academic education and career degree education, and provide associate and baccalaureate degrees that will meet the state's employment needs.<sup>10</sup>

FCS institutions are governed by a local board of trustees (BOT).<sup>11</sup> These local BOT are responsible for cost-effective policy decisions appropriate to the FCS institution's mission, the implementation and maintenance of high-quality education programs within law and rules of the State Board of Education, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.<sup>12</sup>

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<sup>4</sup> FCS presentation, Florida Senate Education Committee, 10-23-17, [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket\\_3977\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket_3977_2.pdf), slide 6

<sup>5</sup> FCS presentation, Florida Senate Education Committee, 10-23-17, [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket\\_3977\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket_3977_2.pdf), slide 5

<sup>6</sup> FCS presentation, Florida Senate Education Committee, 10-23-17, [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket\\_3977\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket_3977_2.pdf), slide 7

<sup>7</sup> *Tough Choices Facing Florida's Government; Meeting the Needs of Florida: The Florida College System Past and Future*, LeRoy Collins Institute, September 2016.

[http://collinsinstitute.fsu.edu/sites/default/files/Tough%20Choices%20Higher%20Ed%20Book\\_WEB%208-16\\_0.pdf](http://collinsinstitute.fsu.edu/sites/default/files/Tough%20Choices%20Higher%20Ed%20Book_WEB%208-16_0.pdf), page 5

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

<sup>9</sup> <http://www.myafchome.org/assets/site/the%20florida%20community%20college%20system%20history%20with%20update.pdf>, page 2 and [http://collinsinstitute.fsu.edu/sites/default/files/Tough%20Choices%20Higher%20Ed%20Book\\_WEB%208-16\\_0.pdf](http://collinsinstitute.fsu.edu/sites/default/files/Tough%20Choices%20Higher%20Ed%20Book_WEB%208-16_0.pdf), page 6

<sup>10</sup> Section 1001.60(1), F.S.

<sup>11</sup> Sections 1001.60(3), 1001.61(1), and 1004.65(1), F.S.

<sup>12</sup> Section 1001.64(1), F.S.



In 1979 the Florida Legislature established the State Community College Coordinating Board, and in 1983 replaced that board with the State Board of Community Colleges.<sup>13</sup> In 2001, the statute that established the State Board of Community Colleges was repealed and the Florida college system was placed under the jurisdiction of the Florida Board of Education.<sup>14</sup>

To ensure collaboration and articulation between K-12 and the Florida College System institution, the state board of education provides an additional layer of oversight for the system. Currently, the Constitution provides that the state board of education (SBE) “shall be a body corporate and have supervision of the system of free public education”.<sup>15</sup> As such, the state board is authorized to adopt rules to implement the provisions of law conferring duties upon the SBE to improve the state system of K-20 Public education, except for the state university system.<sup>16</sup>

The SBE is responsible for all oversight of the FCS including:

- Adopting uniform associated with successful performance and progression through the baccalaureate level.<sup>17</sup>
- Addressing FCS future growth issues,<sup>18</sup> including criteria for modifying district boundary lines for FCS institutions<sup>19</sup> or establishing new centers or campuses<sup>20</sup>.
- Adopting a strategic plan that specifies goals and objectives for the state’s public schools and Florida College System institutions.<sup>21</sup>
- Providing FCS institutions with educational training and service programs designed to meet the needs of both students and communities served.<sup>22</sup>
- Adopting rules used by the FCS intuition BOTS for annual evaluations of presidents and review the BOT evaluations of their president.<sup>23</sup>
- Examining the annual administrative review of each Florida College System institution.<sup>24</sup>
- Reviewing and administering the FCS funding formula.<sup>25</sup>
- Prescribing minimum standards, definitions, and guidelines for FCS institutions that will ensure the quality of education, coordination among the Florida College System institutions and state universities, and efficient progress toward accomplishing the FCS institution mission.<sup>26</sup> Additional specifics are outlined in law.<sup>27</sup>

<sup>13</sup> The Florida College System Fact Book, 2016 <http://www.fldoe.org/core/fileparse.php/15267/urlt/FactBook2016.pdf>

<sup>14</sup> Ch. 2000-321, L.O.F. <http://laws.flrules.org/2000/321>

<sup>15</sup> Article IX, Section 2 Fl. Const.

<sup>16</sup> Section 1001.02(1), F.S.

<sup>17</sup> Section 1001.02(2)(d), F.S.

<sup>18</sup> Section 1001.02(2)(u), F.S.

<sup>19</sup> Section 1001.02(4)(d), F.S.

<sup>20</sup> Section 1001.02(4)(e), F.S.

<sup>21</sup> Section 1001.02(3)(a), F.S.

<sup>22</sup> Section 1001.02(4)(a), F.S.

<sup>23</sup> Section 1001.02(4)(b), F.S.

<sup>24</sup> Section 1001.02(4)(f), F.S.

<sup>25</sup> Section 1001.02(5), F.S.

<sup>26</sup> Section 1001.02(6)

<sup>27</sup> Section 1001.02(6)(a)-(i), F.S.

- Providing cyclic review of all academic programs in FCS institutions<sup>28</sup> and reviewing and approving proposals by FCS intuitions to offer baccalaureate degree programs.<sup>29</sup>
- Identifying performance metrics for the FCS and developing a plan that specifies goals and objectives for each FCS institution.<sup>30</sup>

## **B. EFFECT OF PROPOSED CHANGES:**

This proposal creates a new section in the Florida Constitution outlining the specific purpose and governance structure for the Florida College System.

This proposal revises the purpose of the Florida College system to focus on the responsibility of Florida colleges to provide an affordable, primary access point for undergraduate education, as well as, to respond quickly and effectively to meet Florida's workforce demand by aligning certificates and degree programs with regional workforce needs.

The proposal codifies in the Florida Constitution that there is to be a single college system comprised of all public community and state colleges. Institutions shall be administered by a local board of trustees comprised of members residing in the service delivery area of the college. The SBE shall operate, regulate, control and be fully responsible for the management of the whole college system. They shall be responsible for:

- Affirming the distinctive mission of each constituent college;
- Ensuring the well-planned coordination and operation of the system,
- Reinforcing the articulation and pathways with public schools and the state university system; and
- Ensuring that academic programs align to community workforce needs.

The SBE's management of the college system will be subject to the powers of the legislature to appropriate for the expenditure of funds, and they shall account for such expenditures as provided by law.

## **C. FISCAL IMPACT:**

None. This proposal codifies current practice into the Florida Constitution and will require no additional state resources.

## **III. Additional Information:**

### **A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

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<sup>28</sup> Section 1001.03(13), F.S.

<sup>29</sup> Section 1001.03(15), F.S.

<sup>30</sup> Section 1001.03(16), F.S.

**B.** Amendments:

None.

**C.** Technical Deficiencies:

None.

**D.** Related Issues:

None.



490744

CRC ACTION

Commissioner .  
Comm: FAV .  
01/22/2018 .  
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The Committee on Education (Washington) recommended the following:

**CRC Amendment**

Delete lines 14 - 50  
and insert:

(a) PURPOSES. In order to achieve excellence and to provide access to undergraduate education to the students of this state; to originate articulated pathways to a baccalaureate degree; to ensure superior commitment to teaching and learning; and to respond quickly and efficiently to meet the demand of communities by aligning certificate and degree programs with



490744

11 local and regional workforce needs, the people hereby establish  
12 a system of governance for the state college system of Florida.

13 (b) STATE COLLEGE SYSTEM. There shall be a single state  
14 college system comprised of all public community and state  
15 colleges. A local board of trustees shall govern each state  
16 college system institution and the state board of education  
17 shall supervise the state college system.

18 (c) LOCAL BOARDS OF TRUSTEES. Each state college system  
19 institution shall be governed by a local board of trustees  
20 dedicated to the purposes of the state college system. A member  
21 of a board of trustees must be a resident of the service  
22 delivery area of the college. The powers and duties of the  
23 boards of trustees shall be provided by law. Each member shall  
24 be appointed by the governor to staggered 4-year terms, subject  
25 to confirmation by the senate.

26 (d) ROLE OF THE STATE BOARD OF EDUCATION. The state board  
27 of education shall supervise the state college system as  
28 provided by law.



By Commissioner Washington

washingtn-00094-17

201783\_\_

A proposal to create

Section 8 of Article IX of the State Constitution to specify the purposes of the State College System and to provide for the governance structure of the system.

Be It Proposed by the Constitution Revision Commission of Florida:

Section 8 of Article IX of the State Constitution is created to read:

# ARTICLE IX

## EDUCATION

### SECTION 8. State College System.-

(a) PURPOSES. Increasingly, education and training beyond high school is necessary for individuals to meet Florida's workforce demands. In order to provide an affordable, primary access point to undergraduate education to Floridians, and to respond quickly and efficiently to meet the demand of employers by aligning certificate and degree programs with regional workforce needs, the people hereby establish the Florida College System. The mission of the college system is to provide open access to postsecondary education that will prepare students either to transfer into the university system or the workforce by obtaining a workforce-aligned credential.

(b) STATE COLLEGE SYSTEM. There shall be a single college system comprised of all public community and state colleges. A board of trustees shall administer each individually governed public college and the state board of education shall oversee, coordinate, and provide statewide leadership for the state college system.

(c) LOCAL BOARDS OF TRUSTEES. Each local constituent college shall be administered by a local board of trustees, as

Page 1 of 2

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

washingtn-00094-17

201783\_\_

prescribed by law, dedicated to the purposes of the state college system. A member of a board of trustees must be a resident of the service delivery area of the college. The powers and duties of the boards of trustees shall be prescribed by general law. Each citizen member shall be appointed by the governor and confirmed by the senate.

(d) ROLE OF THE STATE BOARD OF EDUCATION. The board shall operate, regulate, control, and be fully responsible for the management of the whole college system. These responsibilities include, but are not limited to, affirming the distinctive mission of each constituent college, ensuring the well-planned coordination and operation of the system, reinforcing articulation and pathways with public schools and the state university system, and ensuring that academic programs align to community workforce needs. The board's management of the college system shall be subject to the powers of the legislature to appropriate for the expenditure of funds, and the board shall account for such expenditures as provided by law.

Page 2 of 2

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

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/2018  
Meeting Date

25 & 83  
Proposal Number (if applicable)

\*Topic information FCS

Amendment Barcode (if applicable)

\*Name Karen Moore

Address 2011 Delta Blvd

Phone 850-224-0174

Street Tallahassee Fl.

Email KARENMOORE@COMM GROUP.COM

City Tallahassee State Fl. Zip 32303

\*Speaking: ☐ For ☐ Against ☒ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

01/19/2018  
Meeting Date

25 and 83  
Proposal Number (if applicable)

\*Topic Florida College System

Amendment Barcode (if applicable)

\*Name Lenore Rodicio

Address 2944 SW 6 Street

Phone 786.877.2434

Street Miami

Email lrodicio@mdc.edu

City Miami State FL Zip 33135

\*Speaking: ☐ For ☐ Against ☒ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Miami Dade College

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

**Constitution Revision Commission  
Education Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 44

Relating to: EDUCATION, State University System

Introducer(s): Commissioner Washington

Article/Section affected: Article IX, section 7

Date: January 18, 2018

	REFERENCE	ACTION
1.	ED	<b>Pre-meeting</b>

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**I. SUMMARY:**

The proposal amends Article IX, section 7 of the Florida Constitution to add a new subsection requiring any tuition or fee increase for a state university to be approved by an affirmative vote of at least nine members of the university board of trustees and an affirmative vote of at least twelve members of the Board of Governors before the increase in tuition and fees could become effective.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

**Tuition setting authority**

The 2010 State University System Governance Agreement<sup>1</sup> established a collaborative model of governance for the state university system between the Board of Governors and the Legislature. The agreement required that the responsibilities of each body, including tuition setting authority, be established in law<sup>2</sup> and responsibility for the State University System under section 7, Art. IX of the State Constitution.

The legislature has exclusive authority to establish undergraduate tuition for state universities. Effective July 1, 2014, the resident undergraduate tuition for lower-level and upper-level coursework was set at \$105.07 per credit hour<sup>3</sup>. There are also certain fees, including the Capital

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<sup>1</sup> s. 1001.7065, Florida Statutes

<sup>2</sup> s. 1001.705, Florida Statutes

<sup>3</sup> s. 1009.24(4)(a), Florida Statutes

Improvement Trust Fund fee<sup>4</sup> established in law, but subject to modification upon approval by the university Board of Trustees and Board of Governors.

### **State University System Fees**

The Board of Governors, as the body authorized to “operate, regulate, control, and be fully responsible for the management of the whole university system”<sup>5</sup> has been legislatively delegated authority to establish tuition for graduate and professional programs and out of state fees for all programs.<sup>6</sup> There are also a number of fees that, upon approval by the university Board of Trustees, are brought before the BOG for consideration and approval, including Flexible tuition policies.<sup>7</sup> These policies may include undergraduate or graduate block tuition, block tuition differential, or market tuition rates for graduate-level online courses or graduate-level courses offered through a university’s continuing education program. However, such policies must align with the requesting university’s mission and cannot increase the state’s fiscal liability or obligations including, but not limited to, programs authorized under sections 1009.53-1009.538, F.S., (Bright Futures Scholarships) and sections 1009.97-1009.984, F.S., (Florida Prepaid programs). Upon a majority favorable vote by the seventeen-member Board of Governors, the university is then authorized to impose the fee.

The University Board of Trustees have been delegated authority to establish or increase a number of fees, subject to law, including:

- Activity and service<sup>8</sup> and health
- Financial aid<sup>9</sup>
- Technology<sup>10</sup>
- Capital Improvement Trust Fund<sup>11</sup>
- Tuition Differential<sup>12</sup>
- Distance Learning Course<sup>13</sup>
- Fees for applications, orientation, ID cards, transcripts, equipment, traffic violations, transient students, childcare services, etc.<sup>14</sup>

Universities are prohibited from charging any fee that is not specifically authorized.<sup>15</sup> Florida statute outlines the process that a university BOT must follow to publicly notice and notify all enrolled students of any proposal to increase tuition or fees, which includes providing students with the rationale for the proposed increase and how the funds resulting from the increase will be

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<sup>4</sup> Section 1009.24(8)(a), FS

<sup>5</sup> Section 7, Article VI. Florida Constitution

<sup>6</sup> Section 1009.24(4)(b), FS

<sup>7</sup> Section 1009.24(4)(c), FS

<sup>8</sup> Section 1009.24(4)(d), FS and Section 1009.24(10)(a), FS

<sup>9</sup> Section 1009.24(7), FS

<sup>10</sup> Section 1009.24(13), FS

<sup>11</sup> Section 1009.24(8), FS

<sup>12</sup> Section 1009.24(5), FS and Section 1009.24(16), FS

<sup>13</sup> Section 1009.24(17), FS

<sup>14</sup> Section 1009.24(14), FS

<sup>15</sup> Section 1009.24(18), FS

used.<sup>16</sup> Currently, the fee would be imposed subsequent to the favorable vote of a majority of the thirteen member board. Fees that are subject to BOG approval would be required to receive a majority favorable vote by the BOG as well.

Each year, the BOG is required to submit to the legislature a report summarizing the fee proposals received by the board during the preceding year and the actions taken by the board in response to such proposals.<sup>17</sup> In 2011, eight proposals were submitted to the BOG for new fees and three were approved with the remainder withdrawn from the universities.<sup>18</sup> In 2012, six proposals for new fees were submitted to the BOG and two new fees were approved and the other new fee proposals withdrawn by their respective university.<sup>19</sup> For the most recent report from 2013, two new fees were proposed but neither were approved by the BOG.<sup>20</sup> Current fees for each university is published on the BOG website.<sup>21</sup>

## **B. EFFECT OF PROPOSED CHANGES:**

The proposal requires a favorable vote of 9 of the 13 members of a BOT to propose a new fee or fee increase. If the fee is also subject to BOG approval, 12 of the 17 BOG members would also have to approve the fee increase in order for it to be imposed. The proposal requires that any proposed increase in tuition or a student fee is supported by more than a majority of the university board of trustee and Board of Governors' members.

## **C. FISCAL IMPACT:**

Indeterminate.

## **III. Additional Information:**

### **A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

### **B. Amendments:**

None.

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<sup>16</sup> Section 1009.24(20), FS

<sup>17</sup> Section 1009.24(15)(f), FS

<sup>18</sup> State University System of Florida, 2011 New Fee Report

<sup>19</sup> State University System of Florida, New Fees Authorized by the Florida Board of Governors for Fall 2012

<sup>20</sup> State University System of Florida, New Fees Authorized by the Florida Board of Governors for Fall 2013

<sup>21</sup> <http://www.flbog.edu/board/office/budget/doc/tuition/2017-18-SUS-Tuition-and-Fee-for-New-Students-at-Main-Campus-by-level.pdf>



**C.** Technical Deficiencies:

None.

**D.** Related Issues:

None.



733666

CRC ACTION

Commissioner .  
Comm: FAV .  
01/22/2018 .  
.  
.  
.

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The Committee on Education (Washington) recommended the following:

**CRC Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

ARTICLE IX

EDUCATION

SECTION 7. State University System.—

(a) PURPOSES. In order to achieve excellence through  
teaching students, advancing research and providing public  
service for the benefit of Florida's citizens, their communities



733666

11 and economies, the people hereby establish a system of  
12 governance for the state university system of Florida.

13 (b) STATE UNIVERSITY SYSTEM. There shall be a single state  
14 university system comprised of all public universities. A board  
15 of trustees shall administer each public university and a board  
16 of governors shall govern the state university system.

17 (c) LOCAL BOARDS OF TRUSTEES. Each local constituent  
18 university shall be administered by a board of trustees  
19 consisting of thirteen members dedicated to the purposes of the  
20 state university system. The board of governors shall establish  
21 the powers and duties of the boards of trustees. Each board of  
22 trustees shall consist of six citizen members appointed by the  
23 governor and five citizen members appointed by the board of  
24 governors. The appointed members shall be confirmed by the  
25 senate and serve staggered terms of five years as provided by  
26 law. The chair of the faculty senate, or the equivalent, and the  
27 president of the student body of the university shall also be  
28 members.

29 (d) STATEWIDE BOARD OF GOVERNORS. The board of governors  
30 shall be a body corporate consisting of seventeen members. The  
31 board shall operate, regulate, control, and be fully responsible  
32 for the management of the whole university system. These  
33 responsibilities shall include, but not be limited to, defining  
34 the distinctive mission of each constituent university and its  
35 articulation with free public schools and community colleges,  
36 ensuring the well-planned coordination and operation of the  
37 system, and avoiding wasteful duplication of facilities or  
38 programs. The board's management shall be subject to the powers  
39 of the legislature to appropriate for the expenditure of funds,



733666

and the board shall account for such expenditures as provided by law. The governor shall appoint to the board fourteen citizens dedicated to the purposes of the state university system. The appointed members shall be confirmed by the senate and serve staggered terms of seven years as provided by law. The commissioner of education, the chair of the advisory council of faculty senates, or the equivalent, and the president of the Florida student association, or the equivalent, shall also be members of the board.

(e) TUITION. Tuition shall be established exclusively by law. The legislature may not raise tuition except through legislation approved by two-thirds of the membership of each house of the legislature and presented to the Governor for approval. Any increase to tuition authorized under this section must be contained in a separate bill that contains no other subject.

(f) FEES. Any proposal or action of a constituent university to raise, impose, or authorize any fee, as authorized by law, must be approved by at least nine affirmative votes of the members of the board of trustees of the constituent university and at least twelve affirmative votes of the members of the board of governors in order to take effect.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A proposal to amend  
Section 7 of Article IX of the State Constitution to



733666

69 provide that the legislature shall not raise tuition except  
70 through legislation approved by two-thirds of the membership of  
71 each house of the legislature and presented to the Governor for  
72 approval; require that any legislation that raises tuition be  
73 contained in a separate bill that contains no other subject;  
74 establish minimum vote thresholds for university boards of  
75 trustees and the board of governors to impose or authorize a new  
76 fee or increase an existing fee, as authorized by law.



By Commissioner Washington

washingtn-00049C-17

201744\_\_

A proposal to amend

Section 7 of Article IX of the State Constitution to establish the minimum vote threshold required to be met by the board of trustees of a state university and the Board of Governors of the State University System in order to implement any tuition or fee increase.

Be It Proposed by the Constitution Revision Commission of Florida:

Section 7 of Article IX of the State Constitution is amended to read:

#### ARTICLE IX

#### EDUCATION

#### SECTION 7. State University System.—

(a) PURPOSES. In order to achieve excellence through teaching students, advancing research and providing public service for the benefit of Florida's citizens, their communities and economies, the people hereby establish a system of governance for the state university system of Florida.

(b) STATE UNIVERSITY SYSTEM. There shall be a single state university system comprised of all public universities. A board of trustees shall administer each public university and a board of governors shall govern the state university system.

(c) LOCAL BOARDS OF TRUSTEES. Each local constituent university shall be administered by a board of trustees consisting of thirteen members dedicated to the purposes of the state university system. The board of governors shall establish the powers and duties of the boards of trustees. Each board of trustees shall consist of six citizen members appointed by the governor and five citizen members appointed by the board of governors. The appointed members shall be confirmed by the

Page 1 of 3

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

washingtn-00049C-17

201744\_\_

senate and serve staggered terms of five years as provided by law. The chair of the faculty senate, or the equivalent, and the president of the student body of the university shall also be members.

(d) STATEWIDE BOARD OF GOVERNORS. The board of governors shall be a body corporate consisting of seventeen members. The board shall operate, regulate, control, and be fully responsible for the management of the whole university system. These responsibilities shall include, but not be limited to, defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs. The board's management shall be subject to the powers of the legislature to appropriate for the expenditure of funds, and the board shall account for such expenditures as provided by law. The governor shall appoint to the board fourteen citizens dedicated to the purposes of the state university system. The appointed members shall be confirmed by the senate and serve staggered terms of seven years as provided by law. The commissioner of education, the chair of the advisory council of faculty senates, or the equivalent, and the president of the Florida student association, or the equivalent, shall also be members of the board.

(e) TUITION OR FEE INCREASES. Any proposal or action that increases tuition or fees of a constituent university must be approved by at least nine affirmative votes of the members of the board of trustees of the constituent university and at least twelve affirmative votes of the members of the board of

Page 2 of 3

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

washington-00049C-17

201744\_\_

62 | governors in order to take effect.

**Constitution Revision Commission  
Education Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 45

Relating to:

Introducer(s): Commissioner Donalds

Article/Section affected: Article IX, section 1

Date:

	REFERENCE	ACTION
1.	ED	<b>Pre-meeting</b>
2.		

---

**I. SUMMARY:**

This proposal amends Section 1, Article IX of the Florida Constitution to allow the Legislature to make provision for other educational services that benefit children and families of this state that are in addition to the system of free public schools.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

Currently the Florida Constitution provides that the legislature shall make adequate provision by law for a uniform, efficient, safe, secure and high quality system of free public schools.<sup>1</sup> These terms act as direction to the legislature when making laws for the educational system. Over the past years courts have ruled on several significant cases to limit the Legislature's authority to enact education laws.

In the case of *Bush v. Holmes*, 919 So. 2d 392 (Fla. 2006), the Supreme Court determined that a statutory provision providing school vouchers to private school for students from failing public schools was unconstitutional under Article IX, Section 1 of the Florida Constitution. By using state funds to develop separate private systems parallel to and in competition with the state's free public schools, when the schools did not use the same curriculum, assessments, or teacher qualifications as public schools, and thus, violated the uniformity requirement.

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<sup>1</sup> Section 1, Article IX Florida Constitution

In the case of *Duval County School Board v. State Board of Education*, 998 So. 2d 641 (Fla. 1st DCA 2008), the First DCA ruled that a provision granting authority to the Department of Education to establish charter schools was facially unconstitutional in that it impinged upon authority constitutionally granted to the districts to operate, control and supervise all free public schools within a district. The law was found to create a system of a parallel system of free public education escaping the operation and control of local school boards.

**B. EFFECT OF PROPOSED CHANGES:**

The proposal provides for potential future legislation to allow for additional educational services in addition to the current system of free public schools. The effect of any potential future legislation is indeterminate.

**C. FISCAL IMPACT:**

None.

**III. Additional Information:**

**A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

**B. Amendments:**

None.

**C. Technical Deficiencies:**

None.

**D. Related Issues:**

None.

By Commissioner Donalds

donaldse-00074-17

201745\_\_

A proposal to amend

Section 1 of Article IX of the State Constitution to specify that no provision of the State Constitution may be construed to limit the Legislature from making provision for other educational services that are beneficial to the children and families of this state.

Be It Proposed by the Constitution Revision Commission of Florida:

Section 1 of Article IX of the State Constitution is amended to read:

#### ARTICLE IX

#### EDUCATION

#### SECTION 1. Public education.—

(a) The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools allowing the opportunity for each student ~~that allows students~~ to obtain a high quality education. Provision shall be made ~~and~~ for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require. Nothing herein may be construed to limit the legislature from making provision for other educational services that benefit the children and families of this state that are in addition to the system of free public schools. To assure that children attending public schools obtain a high quality education, the legislature shall make adequate provision to ensure that, by the beginning of the 2010 school

Page 1 of 3

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

donaldse-00074-17

201745\_\_

year, there are a sufficient number of classrooms so that:

(1) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for prekindergarten through grade 3 does not exceed 18 students;

(2) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and

(3) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students.

The class size requirements of this subsection do not apply to extracurricular classes. Payment of the costs associated with reducing class size to meet these requirements is the responsibility of the state and not of local schools districts. Beginning with the 2003-2004 fiscal year, the legislature shall provide sufficient funds to reduce the average number of students in each classroom by at least two students per year until the maximum number of students per classroom does not exceed the requirements of this subsection.

(b) Every four-year old child in Florida shall be provided by the State a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, free, and delivered according to professionally accepted standards. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive

Page 2 of 3

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donaldse-00074-17

201745\_\_

62 capabilities and emotional, social, regulatory and moral  
63 capacities through education in basic skills and such other  
64 skills as the Legislature may determine to be appropriate.

65 (c) The early childhood education and development programs  
66 provided by reason of subparagraph (b) shall be implemented no  
67 later than the beginning of the 2005 school year through funds  
68 generated in addition to those used for existing education,  
69 health, and development programs. Existing education, health,  
70 and development programs are those funded by the State as of  
71 January 1, 2002 that provided for child or adult education,  
72 health care, or development.



# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1-19-18

Meeting Date

Proposal Number (if applicable)

\*Topic

P45

PADSS

Amendment Barcode (if applicable)

\*Name

Tim Forson

Forson (Superintendent)

Address

40 Orange St

Phone 904 547-7801

Street

St. Augustine

FL

32084

Email

City

State

Zip

\*Speaking:

☐ For

☒ Against

☐ Information Only

Waive Speaking:

☐ In Support

☐ Against

(The Chair will read this information into the record.)

Are you representing someone other than yourself?

☒ Yes

☐ No

If yes, who?

FADSS

Are you a registered lobbyist?

☐ Yes

☒ No

Are you an elected official or judge?

☐ Yes

☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

P45

Proposal Number (if applicable)

\*Topic

Public Education

Amendment Barcode (if applicable)

\*Name

Scott McCoy

Address

P.O. Box 10788

Phone

850-521-3042

Street

Tallahassee

FL

32302

Email

scott.mccoy@splcenter.org

City

State

Zip

\*Speaking:

☐ For

☒ Against

☐ Information Only

Waive Speaking:

☐ In Support

☐ Against

(The Chair will read this information into the record.)

Are you representing someone other than yourself?

☐ Yes

☒ No

If yes, who?

~~Scott~~ Southern Poverty Law Center

Are you a registered lobbyist?

☒ Yes

☐ No

Are you an elected official or judge?

☐ Yes

☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

Jan 19 2018

Meeting Date

45

Proposal Number (if applicable)

\*Topic allowing legislature to create other educational services

Amendment Barcode (if applicable)

\*Name Marie-Claire Leman *Leman*

Address 1911 Wahalaw Court

Phone 850-728-7514

Street Tallahassee FL 32301  
City State Zip

Email marieclaireleman@gmail.com

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Common Ground

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1-19-18

Meeting Date

45

Proposal Number (if applicable)

\*Topic No AED provision

Amendment Barcode (if applicable)

\*Name

Address

Phone 276391243

Street

Email LWVFAADVOCACY@gmail.com

City State Zip

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? LEAGUE of Women Voters FLORIDA

Are you a registered lobbyist? ☐ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

45

Proposal Number (if applicable)

\*Topic Education

Amendment Barcode (if applicable)

\*Name Angela Gallo

Address 1747 Orlando Central Pkwy Phone \_\_\_\_\_

Street

Orlando

FL

32809

City

State

Zip

Email \_\_\_\_\_

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Florida PTA

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

45

Proposal Number (if applicable)

\*Topic Education

Amendment Barcode (if applicable)

\*Name by Frank

Address 208 S. Monroe Phone 850-509-4242

Street

Tall. FL

32301

City

State

Zip

Email \_\_\_\_\_

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

P45

Proposal Number (if applicable)

\*Topic Education, Public Education

Amendment Barcode (if applicable)

\*Name Brenda Longshore

Address 1480 Wilde St

Phone (863) 449-0162

Street

Avon Park

FL

33825

City

State

Zip

Email longshore@highlands.fl.a.u

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Highlands County School District

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

19 January 2018

Meeting Date

P45

Proposal Number (if applicable)

\*Topic Education Public Education

Amendment Barcode (if applicable)

\*Name Robert Edwards

Address 435 NW Lafayette Ave

Phone 386-294-1809

Street

Mayo

FL

32066

City

State

Zip

Email redwards@lesbmail.net

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who?

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18  
Meeting Date

P. 45  
Proposal Number (if applicable)

\*Topic Education

Amendment Barcode (if applicable)

\*Name Joseph Taylor

Address 652 Third Street

Phone 638-6222

City Chuply State FL Zip 32128

Email joseph.taylor@wssoschools.ca

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1-19-18  
Meeting Date

P 45  
Proposal Number (if applicable)

\*Topic Education

Amendment Barcode (if applicable)

\*Name Danny Glover

Address 318 N Clark Street

Phone 850 838 2500

City Perry State FL Zip 32347

Email danny.glover@taylor.k12.fl.us

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FADSS

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18  
Meeting Date

P. 45  
Proposal Number (if applicable)

\*Topic Education

Amendment Barcode (if applicable)

\*Name Alex Carowell

Address 612 N.W. Blackberry Circle  
Street  
Lake City FL 32055  
City State Zip

Phone (386) 755-8000

Email \_\_\_\_\_

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FADSS

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18  
Meeting Date

P. 45  
Proposal Number (if applicable)

\*Topic Education

Amendment Barcode (if applicable)

\*Name A. Russell Hughes

Address 22 Magnolia Blvd  
Street  
DFJ FL 32433  
City State Zip

Phone (850) 621-0816

Email \_\_\_\_\_

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

P45

Meeting Date

Proposal Number (if applicable)

\*Topic Education

Amendment Barcode (if applicable)

\*Name Mike Thomas

Address 16077 NE 19 Hwy

Phone 352 4986131

Street Cross City Fl

Email MichaelThomas@DIXE.

City 32628

K12, FL, US

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Myself FADSS

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/19/18

Meeting Date

P-45

Proposal Number (if applicable)

\*Topic P45 Voucher / Choice Proposals

Amendment Barcode (if applicable)

\*Name Bobby Poerco

Address 47 Parkside Circle

Phone 850 519-8437

Street Crawfordville

Email robert.poerco@wesh.us

City Fl

State 32327

Zip

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FADSS

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

P45

Proposal Number (if applicable)

1/19/18  
Meeting Date

\*Topic P45 Voucher / Choice Proposals

Amendment Barcode (if applicable)

\*Name Larry Moore

Address P.O. Box 5958

Phone 850-482-1200

Street Marianna State FL Zip 32446

Email Larry.Moore@jeb.org

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FADSS

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

P-45

Proposal Number (if applicable)

1/19/2017  
Meeting Date

\*Topic Voucher Choice

Amendment Barcode (if applicable)

\*Name Terry Mears

Address 1844 Adolph Whitaker Rd

Phone \_\_\_\_\_

Street Bonney State FL Zip 32425

Email \_\_\_\_\_

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who? FADSS

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

P 45

Proposal Number (if applicable)

\*Topic Education

Amendment Barcode (if applicable)

\*Name Jaune Gaylord

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Phone 772-219-1200

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Stuart FL 34994

Email gaylorj@monticellova.com

City

State

Zip

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

**Constitution Revision Commission  
Education Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 89

Relating to: EDUCATION, Public education

Introducer(s): Commissioner Washington

Article/Section affected: Article IX, section 1

Date: January 18, 2018

	REFERENCE	ACTION
1.	ED	<b>Pre-meeting</b>
2.		

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**I. SUMMARY:**

The proposal amends Section 1, Article IX of the Florida Constitution to outline the purpose of the public education system of Florida. The proposal adds language to declare that the purpose of the public education system is to develop citizens' intellect, economic gains, creation of a workforce comprised of graduates who have been prepared by their education for a job. The proposal also adds a new subparagraph (d) expressing it is the intent of the people to provide "high quality and affordable postsecondary education opportunities" with those purposes.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

The 1998 Constitution Revision Commission presented amendment 6 on the ballot which modified Section 1, Article IX of the Florida Constitution. The amendment declared it "a paramount duty of the state" to provide for education of children and passed with 71% of the vote<sup>1</sup>.

The present constitution identifies objectives and principles for the operation of the statewide system of education<sup>2</sup> however, it does not identify the overarching objective of

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<sup>1</sup> See Florida Department of State website for more information:  
<http://dos.elections.myflorida.com/initiatives/initdetail.asp?account=11&seqnum=2> (last visited 1/17/18).

<sup>2</sup> Section 1, Article IX Florida Constitution

the statewide system of education. Florida's statutes, however, frequently identify the objectives of the various levels of education in terms of economic development and career preparedness<sup>3</sup>.

The quality and costs associated with postsecondary education is not explicitly addressed in the constitution. although provision for a "uniform, efficient, safe, secure, and high quality system of free public schools" is included<sup>4</sup>. Currently the affordability and quality of public postsecondary education in Florida is outlined in legislation<sup>5</sup>. For the State University System, this language would be read to supplement Section 7, Article IX, of the Florida Constitution which establishes a system of constitutional governance for the State University System.

Additionally, 2016 legislation<sup>6</sup> has outlined a system of performance based funding for the Florida College System. The law awards a performance-based incentive to Florida College System institutions using performance-based measures adopted by the State Board of Education<sup>7</sup>. The law requires the model include four measures: (1) Retention Rates, (2) Completion Rates, (3) Job Placement/Continuing Education rates, and (4) Entry-Level Wages.

For the 2017-2018 academic year, all 28 colleges in the Florida College System performed well enough to have institutional funds restored with 22 of 28 colleges receiving awards of additional state funds. Specifically, the Completer Entry-Level Wage measure indicates all colleges are exceeding the threshold wage benchmark by an average of 109 percent.

State universities already provide high quality and affordable postsecondary education opportunities. In the 2017-2018 year, Florida is ranked 49<sup>th</sup> in the nation for undergraduate tuition and fees charged to resident students<sup>8</sup>. At the same time, the quality of a student's educational experience has been enhanced through strides made by the universities in response to greater accountability measures established and monitored by the Board of Governors which include, but are not limited to, the Annual Accountability Report<sup>9</sup>, annual university work plans, the implementation of performance funding, and tracking the System's progress on the goals set forth in the Board's 2025 Strategic Plan<sup>10</sup>.

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<sup>3</sup> Sections 1000.031, 1004.15, 1008.31, Florida Statutes and Part IV, Chapter 1004, Florida Statutes.

<sup>4</sup> Section 1, Article IX Florida Constitution

<sup>5</sup> Section 1004.84, 1004.85, Florida Statutes

<sup>6</sup> HB 7029 (2016), enacted as Ch. 2016-237, L.O.F.

<sup>7</sup> Rule 6A-14.07621, F.A.C.

<sup>8</sup> See Florida Board of Governors website for more information: <https://trends.collegeboard.org/college-pricing/figures-tables/2017-18-state-tuition-and-fees-public-four-year-institutions-state-and-five-year-percentage> (last visited 1/18/2018)

<sup>9</sup> See Florida Board of Governors website for more information: [http://www.flbog.edu/board/accountability/2015-16\\_accountability.php](http://www.flbog.edu/board/accountability/2015-16_accountability.php) (last visited 1/18/2018)

<sup>10</sup> See Florida Board of Governors website for more information: <http://www.flbog.edu/pressroom/strategicplan.php> (last visited 1/18/2018)

**B. EFFECT OF PROPOSED CHANGES:**

The proposal provides a purpose for the public education system of Florida, which is “to develop the intellect of the state’s citizens, to contribute to the economy, to create an effective workforce, and to prepare students for a job.”

The existing statutes addressing the subjects addressed by this proposal do not appear to conflict with the proposal and largely implement its objectives. No additional legislation would be required to implement the requirements although the language could be cited in support of any number of initiatives. The impact on the education system is, therefore, indeterminate.

**C. FISCAL IMPACT:**

None.

**III. Additional Information:****A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

**B. Amendments:**

None.

**C. Technical Deficiencies:**

None.

**D. Related Issues:**

None.



By Commissioner Washington

washingtn-00093A-17

201789\_\_

A proposal to amend

Section 1 of Article IX of the State Constitution to specify the purpose and intent of the state's public education system.

Be It Proposed by the Constitution Revision Commission of Florida:

Section 1 of Article IX of the State Constitution is amended to read:

# ARTICLE IX

## EDUCATION

### SECTION 1. Public education.-

(a) The purpose of the public education system of Florida is to develop the intellect of the state's citizens, to contribute to the economy, to create an effective workforce, and to prepare students for a job. The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require. To assure that children attending public schools obtain a high quality education, the legislature shall make adequate provision to ensure that, by the beginning of the 2010 school year, there are a sufficient number of classrooms so that:

(1) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for

Page 1 of 3

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

washingtn-00093A-17

201789\_\_

prekindergarten through grade 3 does not exceed 18 students;

(2) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and

(3) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students.

The class size requirements of this subsection do not apply to extracurricular classes. Payment of the costs associated with reducing class size to meet these requirements is the responsibility of the state and not of local schools districts. Beginning with the 2003-2004 fiscal year, the legislature shall provide sufficient funds to reduce the average number of students in each classroom by at least two students per year until the maximum number of students per classroom does not exceed the requirements of this subsection.

(b) Every four-year old child in Florida shall be provided by the State a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, free, and delivered according to professionally accepted standards. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.

Page 2 of 3

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

washington-00093A-17

201789

62 (c) The early childhood education and development programs  
63 provided by reason of subsection ~~subparagraph~~ (b) shall be  
64 implemented no later than the beginning of the 2005 school year  
65 through funds generated in addition to those used for existing  
66 education, health, and development programs. Existing education,  
67 health, and development programs are those funded by the State  
68 as of January 1, 2002 that provided for child or adult  
69 education, health care, or development.

70 (d) In order to build Florida's talent pipeline for the  
71 careers of today and tomorrow and align the state's education,  
72 workforce, and economic development efforts, it is the intent of  
73 the people to provide high quality and affordable postsecondary  
74 education opportunities.

**CONSTITUTION REVISION COMMISSION  
APPEARANCE RECORD**

(Deliver completed form to Commission staff)

Jan 19 2018

*Meeting Date*

89

*Proposal Number (if applicable)*

\*Topic adding "purpose" of public education

*Amendment Barcode (if applicable)*

\*Name Marie-Claire Leman

Address 1911 Wahalaw Court

Phone 850-728-7514

*Street*  
Tallahassee

*State*  
FL

*Zip*  
32301

Email marieclaireleman@gmail.com

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Common Ground

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

*While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**Information submitted on this form is public record.**

**\*Required**

**CONSTITUTION REVISION COMMISSION  
APPEARANCE RECORD**

(Deliver completed form to Commission staff)

1.19.2018

*Meeting Date*

89

*Proposal Number (if applicable)*

\*Topic Constitution Specifying Intent of public educ

*Amendment Barcode (if applicable)*

\*Name Stephanie Owens

Address \_\_\_\_\_

Phone 727 639 1243

*Street*

*City*

*State*

*Zip*

Email LWVFLAdvocacy@gmail.com

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? LEAGUE of Women Voters of FL

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

*While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**Information submitted on this form is public record.**

**\*Required**

**Constitution Revision Commission  
Education Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 71

Relating to: EDUCATION, School districts; school boards

Introducer(s): Commissioner Donalds

Article/Section affected: Article IX, section 4

Date: January 17, 2018

	REFERENCE	ACTION
1.	ED	<b>Pre-meeting</b>
2.		

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**I. SUMMARY:**

Amends Article IX, §4(b) by adding language to:

Provide that nothing in the constitution may be construed to limit the legislature from creating alternative processes to authorize the establishment of charter schools within the state by general law.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

Presently, the creation of charter schools in Florida is governed by the provisions of Chapter 1002, Part III, Florida Statutes. The vast majority of charter schools must apply to and be approved by local school boards.<sup>1</sup> Other types of charter schools can be authorized such as state universities to sponsor charter lab schools<sup>2</sup> and “schools of hope” can be authorized near or within the vicinity of persistently low performing schools.<sup>3</sup>

Presently, the Florida Constitution does not directly address the processes to authorize the establishment of charter schools in Florida. However, Article IX, Section 4(b) of the Florida Constitution provides that “the school board shall operate, control and supervise

---

<sup>1</sup> Section 1002.33, FS

<sup>2</sup> Section 1002.32, FS

<sup>3</sup> Section 1002.333, FS

all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein.”

In 2008, courts ruled that the statute creating the “Florida Schools of Excellence Commission”<sup>4</sup> with the power to authorize charter schools throughout Florida violated Article IX, Section 4(b) of the Florida Constitution.<sup>5</sup> The court held that the statute prevented the school boards from operating, controlling, and supervising the charter schools approved by the commission and was facially unconstitutional.<sup>6</sup>

## **B. EFFECT OF PROPOSED CHANGES:**

The proposal allows future legislation relating to the processes used to authorize the establishment of charter schools without being subject to the kind of constitutional challenge described in Duval.<sup>7</sup> This will give the legislature more flexibility in determining the permissible ways for charter schools to be established in Florida.

The effect on the educational system is indeterminate. The provision does not change the current system or statutes, it simply provides that some future changes to the charter school system would not be in conflict with Article IX, Section 4(b) of the Florida Constitution. While it is foreseeable that the legislature could create new methods for the establishment of charter schools such as the state-wide “Florida Schools of Excellence Commission,” the ultimate impact of these new processes is unknown at this time.

## **C. FISCAL IMPACT:**

None.

## **III. Additional Information:**

### **A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

### **B. Amendments:**

None.

### **C. Technical Deficiencies:**

None.

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<sup>4</sup> Section 1002.335, FS (2006)

<sup>5</sup> Duval County School Board v. State Board of Education, 998 So. 2d 641 (1st DCA 2008)

<sup>6</sup> Id.

<sup>7</sup> Id.

**D. Related Issues:**

None.



748000

CRC ACTION

Commissioner	.
Comm: WD	.
01/22/2018	.
	.
	.
	.

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The Committee on Education (Donalds) recommended the following:

**CRC Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

ARTICLE IX

EDUCATION

SECTION 4. School districts; school boards.—

(a) Each county shall constitute a school district;  
provided, two or more contiguous counties, upon vote of the  
electors of each county pursuant to law, may be combined into  
one school district. In each school district there shall be a





748000

school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

(b) The school board shall operate, control, and supervise all free public schools within the school district except for free public schools authorized by the state charter school authorizing board, municipalities, charter counties, Florida college system institutions, and state universities as provided by law. The school board shall ~~and~~ determine the rate of school district taxes within the limits prescribed herein. Two or more school districts may operate and finance joint educational programs.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A proposal to amend

Section 4 of Article IX of the State Constitution to allow free public schools to be authorized by the state charter school authorizing board, municipalities, charter counties, Florida college system institutions, and state universities as provided by law.



527228

CRC ACTION

Commissioner .  
Comm: FAV .  
01/22/2018 .  
.  
.  
.

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The Committee on Education (Levesque) recommended the following:

**CRC Amendment (with title amendment)**

Delete line 29  
and insert:  
authorize the establishment of public schools within the state

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

And the title is amended as follows:

Delete line 5  
and insert:  
authorize the establishment of public schools in the

By Commissioner Donalds

donaldse-00088A-17

201771\_\_

A proposal to amend

Section 4 of Article IX of the State Constitution to specify that the Legislature is authorized to enact general laws providing alternative processes to authorize the establishment of charter schools in the state.

Be It Proposed by the Constitution Revision Commission of Florida:

Section 4 of Article IX of the State Constitution is amended to read:

ARTICLE IX

EDUCATION

SECTION 4. School districts; school boards.—

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district. In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

(b) The school board shall operate, control, and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein. Two or more school districts may operate and finance joint educational programs. Nothing herein may be construed to limit the legislature from creating alternative processes to authorize the establishment of charter schools within the state by general law.

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1.17.18

Meeting Date

71

Proposal Number (if applicable)

527228

Amendment Barcode (if applicable)

\*Topic Charter School Authorizers

\*Name STEPHANIE OWENS

Address \_\_\_\_\_  
Street

Phone 727 639 1243

City

State

Zip

Email LWYFADN@Gmail

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? LEAGUE of Women Voters AL

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

Jan 19 2018

Meeting Date

71

Proposal Number (if applicable)

748000

Amendment Barcode (if applicable)

\*Topic charter schools

\*Name Marie-Claire Leman

Address 1911 Wahalaw Court

Street

Tallahassee

FL

32301

City

State

Zip

Phone 850-728-7514

Email marieclaireleman@gmail.com

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Common Ground

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

**CONSTITUTION REVISION COMMISSION**

**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

1-19-18

Meeting Date

71

Proposal Number (if applicable)

748000

Amendment Barcode (if applicable)

\*Topic Charter School Authorizers

\*Name STEPHANIE OWENS

Address \_\_\_\_\_  
Street

Phone 727 639 1243

City

State

Zip

Email WYFAW@yazmail

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? LEAGUE OF WOMEN VOTERS FL

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

**CONSTITUTION REVISION COMMISSION**

**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

71

Proposal Number (if applicable)

\*Topic P. 71 ALTERNATIVE PROCESS FOR CHARTER SCHOOLS

\*Name KURT BROWNING

Address 7227 LAND O LAKES BLVD  
Street

Phone 813 794 2651

City

State

Zip

Email KSB@SOS.CFLA.K12.ORG

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FL ASSOC of Dist. School Superintendents

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

Jan 19 2018

Meeting Date

71

Proposal Number (if applicable)

\*Topic charter schools

Amendment Barcode (if applicable)

\*Name Marie-Claire Leman

Address 1911 Wahalaw Court

Phone 850-728-7514

Street  
Tallahassee

FL

32301

Email marieclaireleman@gmail.com

City

State

Zip

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Common Ground

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

71

Proposal Number (if applicable)

\*Topic Proposal 71

Amendment Barcode (if applicable)

\*Name Kelly Barrera

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Phone 904-472-6936

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Park Veda

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Zip

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FSBA

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

71

Proposal Number (if applicable)

\*Topic Charter School authorization

Amendment Barcode (if applicable)

\*Name Chris Fabricca

Address 11433 Pembroke Run

Phone 239-822-8643

Street

Estero, FL 33928

Email chris.p@leeschools.net

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FSBA

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1-19-18

Meeting Date

71

Proposal Number (if applicable)

\*Topic Charter School Authorization

Amendment Barcode (if applicable)

\*Name Stephanie Owens

Address

Phone 727-638-1243

Street

City

State

Zip

Email LWVFA@xoxo.org

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? LEAGUE of Women Voters

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

P71

Proposal Number (if applicable)

\*Topic Education

Amendment Barcode (if applicable)

\*Name Laurie Gaylord

Address 500 E. Ocean Blvd

Phone 772-219-1200

Street

Stuart

FL

34994

City

State

Zip

Email gaylorl@mont.n.1d12

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

P71

Proposal Number (if applicable)

\*Topic Education - Charter Schools

Amendment Barcode (if applicable)

\*Name Scott McCreary

Address P.O. Box 10788

Phone 850-521-3042

Street

Tallahassee

FL

32302

City

State

Zip

Email scott.mcCreary@splcenter.org

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

71

Proposal Number (if applicable)

\*Topic Education

Amendment Barcode (if applicable)

\*Name Angela Gallo

Address 1747 Orlando Central Drwy

Phone

Street

Orl

FL

32809

City

State

Zip

Email

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Florida PTA

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

71

Proposal Number (if applicable)

\*Topic Education

Amendment Barcode (if applicable)

\*Name Joy Frank

Address 208 S. Monroe St

Phone 850-509-4292

Street

Yallahasson

FL

32312

City

State

Zip

Email

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Fl. Association of District School Super

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

19 January 2018

Meeting Date

P 71

Proposal Number (if applicable)

\*Topic Education, School Districts, School Boards

Amendment Barcode (if applicable)

\*Name Robert Edwards

Address 435 NW Lafayette Ave

Phone 386-294-1809

Street  
Mayo FL 32066  
City State Zip

Email redwards@lcsbmail.net

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

P 71

Proposal Number (if applicable)

\*Topic Education, School Districts, School Board

Amendment Barcode (if applicable)

\*Name Brenda Longshore

Address 1480 Wilde St

Phone (853) 449-0162

Street  
Avon Park FL 33825  
City State Zip

Email longshob@highlands.k12.fl.us

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Highlands County School District

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

P 71

Meeting Date

Proposal Number (if applicable)

\*Topic Education

Amendment Barcode (if applicable)

\*Name Mike Thomas

Address 16077 NE 19 Hwy

Phone 352-498-6131

Street

Cross City

FL

32028

Email Michael.Thomas@DHE.1012.FI.US

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FADSS

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

P 71

Meeting Date

Proposal Number (if applicable)

\*Topic

Amendment Barcode (if applicable)

\*Name A. Russell Hughes

Address 72 Magnolia Blvd

Phone (850) 621-0816

Street

DFs,

FL

32433

Email

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who?

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/19/18  
Meeting Date

P71  
Proposal Number (if applicable)

\*Topic School Districts

Amendment Barcode (if applicable)

\*Name Joseph Taylor

Address 652 Third Street

Phone 638-6222

City Chaplin State FL Zip 32428

Email joseph.taylor@wcdpschools.cn

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/18/18  
Meeting Date

P-71  
Proposal Number (if applicable)

\*Topic P71 Charter School Governance

Amendment Barcode (if applicable)

\*Name Bobby Ponce

Address 47 Parkside Circle

Phone 850 514-8433

City Crawfordville State FL Zip 32327

Email robert.ponce@wcdpschools.cn

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FADSS

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18  
Meeting Date

P 71  
Proposal Number (if applicable)

\*Topic Charter School Governance P71

Amendment Barcode (if applicable)

\*Name Larry Moore

Address P.O. Box 5958

Phone 850-482-1200

Street SE Marianna State FL Zip 32446

Email Larry.moore@jcsb.org

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FADSS

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1-19-2017  
Meeting Date

P71  
Proposal Number (if applicable)

\*Topic Charter School Governance/Expansion

Amendment Barcode (if applicable)

\*Name TERRY MEARS

Address 1844 Adolph Whitaker Rd

Phone \_\_\_\_\_

Street Bonifay State FL Zip 32425

Email \_\_\_\_\_

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who? FADSS

Are you a registered lobbyist? ☐ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

71

Meeting Date

Proposal Number (if applicable)

\*Topic Charter School Authority

Amendment Barcode (if applicable)

\*Name Rosanne Ward

Address 2264 Grassroots Way

Phone 850-878-4635

Street

City

Tallah, FL

State

Zip

32311

Email

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who? PSBA

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

71

Proposal Number (if applicable)

\*Topic CHARTER SCHOOL 71

Amendment Barcode (if applicable)

\*Name MIKE PRESSLEY

Address P.O. Box 178

Phone 863-673-9158

Street

City

MOORE HAVEN

State

Zip

FL 33471

Email mikypressley178@earthlink.net

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who?

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

01/19/2018

Meeting Date

71

Proposal Number (if applicable)

\*Topic CHARTER SCHOOLS

Amendment Barcode (if applicable)

\*Name MILTON BROWN

Address 3399 MAILBOX RD

Phone 850-260-5767

Street

VERNON

FL 32462

Email \_\_\_\_\_

City

State

Zip

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? WASHINGTON County

Are you a registered lobbyist? ☐ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

71

Proposal Number (if applicable)

\*Topic CHARTER School Authorizing

Amendment Barcode (if applicable)

\*Name CHRIS COWART

Address 480 MARSHBURN DR

Phone 352-486-5231

Street

Bronson

FL

32621

Email christopher.cowart@levykr2.org

City

State

Zip

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

**Constitution Revision Commission  
Education Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 93

Relating to:

Introducer(s): Commissioner Martinez

Article/Section affected: Article IX, section 4

Date: January 18, 2018

	REFERENCE	ACTION
1.	<u>ED</u>	<u><b>Pre-meeting</b></u>
2.	<u>LO</u>	<u></u>

---

**I. SUMMARY:**

The proposal amends Section 4, Article IX of the Florida Constitution to authorize high-performing school districts to become charter districts. As outlined in the proposal, a charter district remains under the governance of the school board, but the charter district is exempt from all provisions of the Florida K-20 Education Code in the same manner, and is subject to the same exemptions, as a charter school designated by Florida law.

To qualify, a school district must receive a grade of “B” or better for the last three years and not have had financial resources fall below the state required minimum.

To maintain its status as high performing after the initial designation, a school district must maintain a grade of “B” or better for at least two years within a three year period; not fall below a “C” grade and its financial reserves must not fall below the state required minimum.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

As defined by the proposal, charter districts are not currently permitted by the Florida Constitution or in Florida Statutes. However, there are some similarly titled programs in current law and in state history. For example, Jefferson County School District is currently referred to as a charter district because all of its schools are being operated by a charter school management company. In some federal reporting, charter schools are separated from district schools for certain purposes and referred to as charter districts.

Additionally, there are some university development research schools that are charter schools and their own school district. These similarly titled programs should not be confused with the charter district concept in this proposal.

### History of Charter Districts

The concept of charter districts is not new in Florida. In 1999, the state had a similar program called the Charter School Districts Pilot Program, which allowed the State Board of Education (SBE) to enter into a performance contract with up to six school districts for the purpose of establishing them as charter school districts, with priority given to Hillsborough and Volusia Counties.<sup>1</sup> The charter proposal exchanged statutory and rule exemption for agreement to meet certain performance goals in the proposal. Charter school districts were exempt from state statutes and state board rules as provided by statute.<sup>2</sup>

After the K-20 Education Code was rewritten in 2002, the program continued as Academic performance-based charter school districts,<sup>3</sup> which again allowed the SBE to enter into a performance contract with school districts that satisfied eligibility criteria (high performing with a minimum of 50 percent of the schools earning “A” or “B” and no school earning a “D” or “F” for two consecutive years). The Academic performance based charter school districts program is no longer found in statute after 2009. Those districts that were part of the Pilot Program were grandfathered in and evaluated under the criteria approved in the initial charter applications. The Pilot Program was limited to Volusia, Hillsborough, Orange, and Palm Beach Counties, with a termination date of July 1, 2010.<sup>4</sup>

### Current Charter Exemptions

In statute, charter schools are exempt from certain statutes<sup>5</sup> found in the educational code with the exception of the following statutes:

1. Statutes specifically applying to charter schools
2. Statutes applying to student assessment and school grades
3. Statutes pertaining to services to students with disabilities
4. Statutes pertaining to civil rights, including s. 1000.05, F.S.
5. Statutes pertaining to student health, safety and welfare

In addition, charter schools must comply with the following requirements in statutes:

1. Section 286.011, relating to public meetings and public records
2. Chapter 119, relating to public records
3. Section 1003.03, relating to class size

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<sup>1</sup> Section 228.058, F.S. (2000)

<sup>2</sup> Section 228.056, F.S. (2000)

<sup>3</sup> Section 1003.62, F.S.

<sup>4</sup> Section 1003.62, F.S. (2010)

<sup>5</sup> Section 1002.33(16), F.S.

4. Section 1012.22(1)(c) relating to compensation and salary schedules
5. Section 1012.33(5) relating to workforce reductions
6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011
7. Section 1012.34, relating to performance evaluations.

#### School District Financial Reserves

Section 1011.051, F.S., addresses the required school district financial reserves. If at any time the portion of the district's general fund's ending balance not classified as restricted, committed, or non-spendable in the approved operating budget is projected to fall below 3 percent of the projected general fund revenues, the superintendent is required to provide notice to the district school board and the commissioner of education. When that portion of the projected ending balance falls below 2 percent, the commissioner must appoint a financial emergency board if the district does not have a plan to avoid a financial emergency. It is presumed that the reference in the proposal regarding the district's financial reserves refers to this provision of the statute.

#### Current Education Autonomy Programs

This proposal is similar to the academically high-performing school districts program, in statute since 2007,<sup>6</sup> which allows school districts that are academically high performing (grade of "A" for two consecutive years, no school with an "F," complies with class size requirements, and has no material weaknesses or instances of noncompliance in the annual financial audit) to be exempt from the provisions in chs. 1000-1013, F.S., pertaining to school districts, and SBE rules that implement those provisions, with certain exceptions. Seven districts are currently designated, but none are exercising any exemptions. No exemptions have been exercised other than school start date since 2012-13. Since school start date was moved to August 10 in 2015,<sup>7</sup> no exemptions have been exercised.

Currently there is also the Principal Autonomy Pilot Program Initiative (PAPPI), in statute since 2016,<sup>8</sup> which allows principals of participating schools in participating school districts with increased autonomy regarding allocation of resources and staffing. School boards potentially eligible for participation in PAPPI (seven listed in statute) are exempt from the K-20 Education Code and State Board of Education rules, with exceptions. Broward, Palm Beach, Pinellas are the only districts participating (three schools each in a three-year pilot).

The Schools of Excellence program was created in statute in 2017<sup>9</sup> to provide specified administrative flexibilities for high-performing schools. Eligible schools must receive a

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<sup>6</sup> Section 1003.621, F.S.

<sup>7</sup> Section 1003.621, F.S.

<sup>8</sup> Section 1011.6202, F.S.

<sup>9</sup> Section 1003.631, F.S.

grade of “A” or “B” in each of the most recent three school years and rank at the 80<sup>th</sup> percentile or higher for their school type for at least two of the last three years. There are 643 schools in 47 districts: 347 elementary, 116 middle, 96 high and 84 combination schools.

The District Innovation Schools of Technology program was created in statute in 2013,<sup>10</sup> but no district has ever applied. These schools would be exempt from the provisions in chs. 1000-1013, F.S., pertaining to school districts, and SBE rules that implement those provisions, with certain exceptions.

## **B. EFFECT OF PROPOSED CHANGES:**

This proposal allows any high-performing school district to choose, by resolution of a majority of the school board or a vote of the electors of the county, to become a charter district. The district would then be exempt from the K-20 Education Code in the same manner, and be subject to the same exemptions, as a charter school designated by Florida law. After the school district’s initial designation as a charter district, the district must maintain its status as a high-performing school district so long as the district maintains a performance grade of “B” or better for at least two years within a three-year period, the district does not fall below a performance grade of “C,” and the district’s financial reserves do not fall below the state-required minimum.

An estimated thirty-eight districts meet district grade requirements in proposal.

Current statute outlines exemption programs for schools and districts. Tying a semi-permanent constitutional provision to a mutable statute is problematic. The exemptions for charters are found in statute and can be changed with each legislative session. Therefore, while voters would have notice that a charter district would have the same exemptions as a charter school, the extent and nature of the exemptions are subject to change.

## **C. FISCAL IMPACT:**

The fiscal impact is indeterminate because it would be contingent upon the choice of districts to identify as a charter district and upon the flexibilities chose to be implemented. There may be risk the diversion of resources for a district were it to qualify as a charter districts in one three year period and not the next, could have a negative impact on the district’s educational system.

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<sup>10</sup> Section 1002.451, F.S.

**III. Additional Information:**

**A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

**B. Amendments:**

None.

**C. Technical Deficiencies:**

None.

**D. Related Issues:**

None.

By Commissioner Martinez

martinezr-00095A-17

201793\_\_

A proposal to amend

Section 4 of Article IX of the State Constitution to authorize high-performing school districts to become charter districts.

Be It Proposed by the Constitution Revision Commission of Florida:

Section 4 of Article IX of the State Constitution is amended to read:

# ARTICLE IX

## EDUCATION

SECTION 4. School districts; school boards; charter districts.-

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district. In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

(b) The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein. Two or more school districts may operate and finance joint educational programs.

(c) Any high-performing school district may choose, by resolution of a majority of the school board or a vote of the electors of the county, to become a charter district. The school board shall remain the governing board of the charter district and the charter district is exempt from all provisions of the Florida K-20 Education Code in the same manner, and is subject

Page 1 of 2

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

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to the same exemptions, as a charter school designated by Florida law. After the school district's initial designation as a charter district, the district must maintain its status as a high-performing school district so long as the district maintains a performance grade of "B" or better for at least two years within a three-year period; the district does not fall below a performance grade of "C"; and the district's financial reserves do not fall below the state-required minimum. For purposes of this subsection, the term "high-performing school district" means a school district that has received a performance grade of "B" or better for each of the last three years before the district's initial designation as a charter district and has not had its financial reserves fall below the state-required minimum for the previous three years before the district's initial designation as a charter district.

Page 2 of 2

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



**Constitution Revision Commission  
Education Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 4

Relating to: DECLARATION OF RIGHTS, Religious freedom

Introducer(s): Commissioner Martinez and others

Article/Section affected: Article I, Section 3 – Religious freedom

Date: January 18, 2018

	REFERENCE	ACTION
1.	<u>DR</u>	<u><b>Favorable</b></u>
2.	<u>ED</u>	<u><b>Pre-meeting</b></u>

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**I. SUMMARY:**

The Proposal amends Article I, Section 3 of the Florida Constitution, relating to religious freedom, to repeal the prohibition on the use of public revenue in aid of a church, sect, religious denomination, or sectarian institution. The prohibition is commonly known as the “No Aid Provision” or “Blaine Amendment.”

If approved by the Constitution Revision Commission, the proposal will be placed on the ballot at the November 6, 2018, General Election. Sixty percent voter approval is required for adoption. If approved by the voters, the proposal will take effect on January 8, 2019.

A similar proposal was submitted to voters in the 2012 General Election. The proposal received 44.5% of the vote and was not adopted.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

**Religion and Government**

The relationship between Religion and Government in Florida is governed by both the U.S. Constitution and the Florida Constitution. Specifically, the First Amendment to the U.S. Constitution provides:

Congress shall make no law respecting an establishment of religion,  
or prohibiting the free exercise thereof; or abridging the freedom of

speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Similarly, Article I, Section 3 of the Florida Constitution provides:

There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

These provisions comprise the elements of the religious freedoms that are a central tenet of the American system of government. The Establishment Clause “prevents a State from enacting laws that have the ‘purpose’ or ‘effect’ of advancing or inhibiting religion.”<sup>1</sup> The Free Exercise Clause directs that no law may discriminate against some or all religious beliefs, or regulate or prohibit conduct undertaken for religious reasons.<sup>2</sup> Florida courts have generally interpreted Florida’s Free Exercise Clause as coequal to the federal clause.<sup>3</sup>

However, while the U.S. Constitution and Florida Constitution both contain a prohibition respecting the establishment of religion, the Florida Constitution imposes an additional restriction on the state not explicitly present under the U.S. Constitution. Commonly referred to as a “Blaine Amendment” or “No-Aid Provision,” the last sentence of Article I, Section 3 of the Florida Constitution prohibits the direct or indirect use of public revenue in aid of a church, sect, religious denomination or sectarian institution.

#### **“Blaine Amendments” or “No-Aid Provisions”**

Florida is one of thirty-seven states to adopt a “No-Aid provision” within the state constitution.<sup>4</sup> The first iteration of Florida’s constitutional “no aid provision” was adopted during the Constitutional Convention of 1885. Enacted as Article I, Section 6 of the 1885 Florida Constitution, the “no aid provision” originally provided that:

No preference shall be given by law to any church, sect or mode of worship, and no money shall ever be taken from the public treasury directly or indirectly in aid of any church, sect or religious denomination, or in aid of any sectarian institution.

This provision was re-adopted in the 1968 revision of the Florida Constitution as Article I, Section 3 and specifically delineated that the “no aid” prohibition also applied to local governments.

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<sup>1</sup> *Zelman v. Simmons-Harris*, 536 US 639, 648-649 (Fla. 2002).

<sup>2</sup> *Church of the Lukimi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 532 (1993).

<sup>3</sup> *Warner v. City of Boca Raton*, 887 So. 2d 1023, 1030 (Fla. 2004).

<sup>4</sup> Richard D. Komer and Olivia Grady, *School Choice and State Constitutions: A Guide to Designing School Choice Programs*, THE INSTITUTE FOR JUSTICE AND THE AMERICAN LEGISLATIVE EXCHANGE COUNCIL (2d. ed.), available at <http://ij.org/wp-content/uploads/2016/09/50-state-SC-report-2016-web.pdf>.

Legal scholars and historians disagree regarding the impetus and intended effect of “no-aid provisions.” Some historians trace the origin of “no-aid provisions” to 1875 and the administration of President Ulysses S. Grant. President Grant recommended an amendment to the U.S. Constitution denying all direct or indirect public support to “sectarian” institutions, commonly understood to mean “Catholic” institutions.<sup>5</sup> Then-Speaker of the U.S. House of Representatives James G. Blaine proposed an amendment to effectuate President Grant’s wishes. The measure passed overwhelmingly in the House (180-7), but failed to satisfy the supermajority needed in the Senate by four votes. When the amendment failed at the federal level, supporters turned their attention to the states. Provisions were voluntarily adopted in several existing states and were required as part of gaining statehood in others.

However, a number of states had adopted no-aid provisions prior to the proposal of such an amendment by Representative Blaine.<sup>6</sup> Some have argued those states were likely motivated by a Madisonian concern about liberty of conscience and a pragmatic desire to ensure the financial success of newly formed school systems rather than anti-catholic sentiment.<sup>7</sup> Others have argued that the purpose of the contemporaneous adoption of the “separate but equal doctrine” and the no-aid provision by the framers of the 1885 Florida Constitution was to prevent freedmen<sup>8</sup> from receiving an equal education.<sup>9</sup>

No record exists from the constitutional convention that incorporated the no-aid provision into the 1885 Florida Constitution regarding the intent of the framers.<sup>10</sup> The Florida First District Court of Appeal, in acknowledging the dispute over the origins of the Florida “Blaine Amendment” or “no aid provision,” found no evidence of religious bigotry specific to Florida, pointing out that:

Significantly, nothing in the proceedings of the CRC or the Florida Legislature indicates any bigoted purpose in retaining the no-aid provision in the 1968 General Revision of the Florida Constitution.<sup>11</sup>

Nevertheless, the court held, “even if the no-aid provisions were “born of bigotry,” such a history does not render the final sentence of Article I, Section 3 superfluous.”<sup>12</sup>

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<sup>5</sup> America’s public schools, or “common schools” were essentially Protestant. Due to this Protestant influence, Catholics established a parallel school system and sought public funding. See Nathan A. Adams, *Florida’s Blaine Amendment: Goldilocks and the Separate but Equal Doctrine*, 24 St. Thomas L. Rev. 1, 3 (2011).

<sup>6</sup> In 1792, New Hampshire became the first state in the newly formed Union to prohibit the use of state and local school funds by religious institutions; Connecticut followed suit in 1818. Michigan placed a no-funding provision in its constitution in 1835, which served as the prototype for several other states in the region, including Wisconsin in 1848, Ohio and Indiana in 1851, Oregon in 1857, and Kansas in 1858. See *Exposing the Myth of Anti-Catholic Bias*, AMERICAN CIVIL LIBERTIES UNION (July 2011), available at <https://www.aclu.org/files/assets/aclu-exposingthemythofanticatholicbias.pdf>.

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

<sup>8</sup> A person freed from slavery. See *Freedman*. (n.d.). Retrieved December 27, 2017, from <https://www.merriam-webster.com/dictionary/freedman>.

<sup>9</sup> The schools that freedman attended after the Civil War were chiefly sponsored by religious abolitionist societies, such as the American Missionary Association and National Freedman’s Relief Organization, and by the Catholic Church. See Nathan A. Adams, *Florida’s Blaine Amendment: Goldilocks and the Separate but Equal Doctrine*, 24 St. Thomas L. Rev. 1, 13 (2011).

<sup>10</sup> *Bush v. Holmes*, 886 So. 2d 340, 348 (Fla. 1st DCA 2004).

<sup>11</sup> *Bush v. Holmes*, 866 So.2d 340 FN 9 (Fla. 1st DCA 2004).

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

**Litigation under Florida “Blaine Amendment” or “No-Aid Provision”**

Prior to 2004, there was not a substantial body of case law interpreting the no-aid provision in Article I, Section 3. The earliest cases which interpreted the no-aid provision did not involve the use of state revenue, but rather the grant of tax exemptions and the use of public facilities by religious institutions.<sup>13</sup> In upholding the benefit obtained by religious groups in such cases, the Florida Supreme Court took the position that an incidental benefit to a religious group resulting from an appropriate use of public property, or from state action to promote the general welfare of society, is not violative” of the no-aid provision.<sup>14</sup> The court generally focused on the neutrality of such laws.

However, in a series of cases beginning in 2004 which did involve the use of state revenue, the Florida First District Court of Appeal more clearly defined the contours of Article I, Section 3. The court held that Article I, Section 3 of the Florida Constitution is not “substantively synonymous” with the Establishment Clause of the First Amendment to the United States Constitution.<sup>15</sup> The court explained:<sup>16</sup>

While the first sentence of Article I, section 3 is consistent with the Federal Establishment Clause by “generally prohibiting laws respecting the establishment of religion,” the no-aid provision of Article I, section 3 imposes “further restrictions on the state’s involvement with religious institutions than [imposed by] the Establishment Clause.

The court articulated a four-part test to assess compliance with Article I, Section 3. The test combines the elements of the *Lemon*<sup>17</sup> test utilized under the Federal Establishment Clause with the additional restriction on the use of state revenue in Florida’s Constitution:<sup>18</sup>

- The statute must have a secular legislative purpose (religion-neutral program);
- Its principal or primary effect must be one that neither advances nor inhibits religion;
- The statute must not foster “an excessive government entanglement with religion; and
- The statute must not authorize the use of public monies, directly or indirectly, in aid of a sectarian institution.

This standard as applied in the areas of education and government contracting, has resulted in the invalidation of the Florida Opportunity Scholarship Program and application of the no-aid prohibition to government contracts with faith based service providers. Under the Federal Establishment Clause, similar programs and laws have been held to be constitutional.

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<sup>13</sup> See e.g., *Koerner v. Borck*, 100 So. 2d 398 (Fla. 1958); *Southside Estates Baptist Church v. Board of Trustees*, 115 So. 2d 697 (1959).

<sup>14</sup> See *Southside Estates Baptist Church v. Board of Trustees*, 115 So. 2d 697, 700 (Fla. 1959); *Johnson v. Presbyterian Homes of Synod of Fla., Inc.*, 239 So. 2d 256, 261 (Fla. 1970).

<sup>15</sup> *Council for Secular Humanism v. McNeil*, 44 So. 3d 112, 119 (Fla. 1st DCA 2010).

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

<sup>17</sup> *Lemon v. Kurtzman*, 403 U.S. 602, 612-613 (1971).

<sup>18</sup> *Bush v. Holmes*, 886 So. 2d 340, 358 (Fla. 1st DCA 2004).

### Education

Beginning in 1999, the Legislature passed several laws to expand educational opportunities. Among the education reforms adopted by the Legislature were two “school choice” programs: The Opportunity Scholarship Program (OSP) and the Florida Tax Credit Scholarship Program (FTCSP). The OSP was designed to provide parents of students in “failing schools” the opportunity to send their children to a satisfactorily performing public school or to an eligible private school, including sectarian private schools, through the use of a scholarship.<sup>19</sup> Of the private schools participating in the OSP, 71.7 percent were sectarian, and 55.3 percent of the OSP students utilizing scholarships were attending those sectarian schools.<sup>20</sup>

The FTCSP was designed to further expand school choice opportunities beyond those available under the OSP. Scholarships offered under the FTCSP are not limited to “failing” schools. Rather students receiving certain government assistance or students whose families have an annual income below 185% of the federal poverty level are eligible to receive scholarships.<sup>21</sup> During the 2016-2017 school year, scholarships in the amount of \$536 million were awarded to a total of 98,936 students enrolled in 1,733 participating Florida private schools.<sup>22</sup>

In *Bush v. Holmes*, 886 So. 2d 340 (Fla. 1st DCA 2004), the First District Court of Appeal invalidated the scholarship element of the OSP on the grounds that it violated Article I, Section 3 because it used state revenues to aid sectarian schools.<sup>23</sup> The court distinguished *Zelman v. Simmons-Harris*, 536 U.S. 669, in which the U.S. Supreme Court upheld a similar Ohio school choice program under the Federal Establishment Clause.<sup>24</sup>

If article I, section 3 of the Florida Constitution was coterminous with the First Amendment to the United States Constitution, our inquiry in this case would be decidedly different, and a reversal would be mandated under *Zelman*. If we were resolving this case purely on Establishment Clause principles, the fact that the OSP program on its face has a religiously neutral purpose — to aid children in failing public schools — and the fact that the OSP gives parents or guardians the freedom of

<sup>19</sup> A voucher utilized by an opportunity scholar is a warrant made payable to the parents of the student attending a private school. Upon receiving notification of the number of students utilizing vouchers, the DOE transfers funds from the respective districts’ appropriated budgets to an account for the OSP. Then, the Chief Financial Officer sends the warrants to the respective private schools, and parents must endorse them for the schools to receive OSP funds. See *Legal Issues and Policy Considerations Raised by the Challenge to the Opportunity Scholarship Program: Interim Project Report 2006-139*, The Florida Senate Committee on Judiciary (February 2006), available at [http://archive.flsenate.gov/data/Publications/2006/Senate/reports/interim\\_reports/pdf/2006-139ju.pdf](http://archive.flsenate.gov/data/Publications/2006/Senate/reports/interim_reports/pdf/2006-139ju.pdf).

<sup>20</sup> *Id.*

<sup>21</sup> The law provides for state tax credits for contributions to nonprofit scholarship funding organizations, (SFOs). The SFOs then award scholarships to eligible children of low-income families. Scholarships may be used to pay tuition and fees at an eligible private school or to pay for transportation to a Florida public school that is outside of the student’s district or to a lab school. An eligible private school may be religiously affiliated. SFOs pay the scholarship funds directly to the participating private schools. *McCall v. Scott*, 199 So. 3d 359 (Fla. 1st DCA 2016).

<sup>22</sup> *Facts & Figures*, FLORIDA DEPARTMENT OF EDUCATION, available at [http://www.fldoe.org/core/fileparse.php/15230/urlt/FTC\\_Sept\\_2017\\_1.pdf](http://www.fldoe.org/core/fileparse.php/15230/urlt/FTC_Sept_2017_1.pdf). (last visited Nov. 28, 2017).

<sup>23</sup> The court held that because an OSP voucher is used to pay the cost of tuition, any disbursement made under the OSP and paid to a sectarian or religious school is made in aid of a “sectarian institution,” the school itself, even if it can be shown that no voucher funds benefit or support a church or religious denomination. *Bush v. Holmes* 886 So. 2d 340, 366 (Fla. 1st DCA 2014).

<sup>24</sup> *Bush v. Holmes*, 886 So. 2d 340 (Fla 1st DCA 2014).

choice in selecting an alternative to a failing public school, would be dispositive factors, without regard to whether a disbursement was made directly to a parent or guardian rather than the school....However, article I, section 3 of Florida's Constitution is plainly not identical to the First Amendment [Citations omitted].

On appeal of the decision in *Bush v. Holmes*, the Supreme Court found the OSP scholarships violated Article IX, Section 1 (a) of the Florida Constitution which requires a "uniform, efficient, safe, secure, and high quality system of free public schools." By diverting public dollars into separate private systems parallel to and in competition with free public schools the OSP violated this provision.<sup>25</sup> Thus, the Court found "it unnecessary to address whether the OSP is a violation of the "no aid" provision in article I, section 3 of the Constitution, as held by the First District."<sup>26</sup>

The FTCSP has also been subject to constitutional challenge based upon the no-aid provision. The most recent constitutional challenge to the FTCSP was dismissed because the court determined the plaintiff's lacked standing.<sup>27</sup> No courts have yet reached the merits of the constitutional arguments against the FTCSP.

#### Social Services

In *Council for Secular Humanism v. McNeil*, 44 So. 3d 112 (Fla. 1st DCA 2010), the court concluded that Article I, Section 3, does not create a per se bar to state or local government contracts with religious entities for the provision of goods and services.<sup>28</sup> The case involved the constitutionality of a statute which authorized the Department of Corrections to consider faith-based services groups when selecting providers to administer substance abuse treatment programs. The court found that such contracts could violate Article I, Section 3, if in addition to providing social services, the government-funded program also advances religion.<sup>29</sup> The court explained that:

In determining whether such programs violate the no-aid provision, the inquiry necessarily will be case-by-case and will consider such matters as whether the government-funded program is used to promote the religion of the provider, is significantly sectarian in nature, involves religious indoctrination, requires participation in religious ritual, or encourages the preference of one religion over another.<sup>30</sup>

### **B. EFFECT OF PROPOSED CHANGES:**

The proposal repeals the "No Aid Provision" or "Blaine Amendment" in Article I, Section 3 of the Florida Constitution. The repeal removes the prohibition on the direct or indirect use of public revenue in aid of a church, sect, religious denomination, or sectarian institution.

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<sup>25</sup> *Bush v. Holmes*, 919 So. 2d 392, 398 (Fla. 2006).

<sup>26</sup> *Bush v. Holmes*, 919 So. 2d 392 (Fla. 2006).

<sup>27</sup> *McCall v. Scott*, 199 So. 3d 359 (Fla. 1st DCA 2016).

<sup>28</sup> *Council for Secular Humanism v. McNeil*, 44 So. 3d 112, 121 (Fla. 1st DCA 2010).

<sup>29</sup> *Id.* at 120.

<sup>30</sup> *Id.*

The repeal does not affect the limitation on government spending in aid of religious activities under the Establishment Clause of the U.S. Constitution.

If approved by the voters, the proposal will take effect on January 8, 2019.<sup>31</sup>

**C. FISCAL IMPACT:**

The fiscal impact on state and local government is indeterminate.

**III. Additional Information:**

**A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

**B. Amendments:**

None.

**C. Technical Deficiencies:**

None.

**D. Related Issues:**

Recently, in *Trinity Lutheran Church v. Comer*, 137 S. Ct. 2012 (2017), the U.S. Supreme Court held that the denial of a grant to a church affiliated daycare center for playground equipment pursuant to Missouri's Blaine Amendment violated the Free Exercise Clause of the U.S. Constitution.<sup>32</sup>

The Trinity Lutheran Church Child Learning Center applied for a grant under a Missouri state program which offered reimbursement grants to qualifying nonprofit organizations that install playground surfaces made from recycled tires. The department had a strict and express policy of denying grants to any applicant owned or controlled by a church, sect, or other religious entity. Pursuant to that policy, the department denied the Center's application. In a letter rejecting that application, the department explained that under Article I, Section 7 of the Missouri Constitution, the State's Blaine Amendment, the department could not provide financial assistance directly to a church.

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<sup>31</sup> See Article XI, Sec. 5(e) of the Florida Constitution ("Unless otherwise specifically provided for elsewhere in this constitution, if the proposed amendment or revision is approved by vote of at least sixty percent of the electors voting on the measure, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.")

<sup>32</sup> *Trinity Lutheran Church v. Comer*, 137 S. Ct. 2012, 2015 (2017).



The court held that denying a generally available benefit solely on account of religious identity imposes a penalty on the free exercise of religion.<sup>33</sup> The court found that the express discrimination against religious exercise at issue in the case was not the denial of a grant, but rather the refusal to allow the Church-solely because it is a church-to compete with secular organizations for a grant.<sup>34</sup> The Court held Missouri's preference for "skating as far as possible from religious establishment concerns," in the face of the clear infringement on free exercise, is not a compelling interest that would justify the department's policy.<sup>35</sup>

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<sup>33</sup> *Id.* at 2015.

<sup>34</sup> *Id.* at 2021-2022.

<sup>35</sup> *Id.* at 2024-2025.

By Commissioner Martinez

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A proposal to amend

Section 3 of Article I of the State Constitution to  
remove the prohibition against using public revenues  
in aid of any church, sect, or religious denomination  
or any sectarian institution.

Be It Proposed by the Constitution Revision Commission of  
Florida:

Section 3 of Article I of the State Constitution is amended  
to read:

ARTICLE I

DECLARATION OF RIGHTS

SECTION 3. Religious freedom.—There shall be no law  
respecting the establishment of religion or prohibiting or  
penalizing the free exercise thereof. Religious freedom shall  
not justify practices inconsistent with public morals, peace or  
safety. ~~No revenue of the state or any political subdivision or  
agency thereof shall ever be taken from the public treasury  
directly or indirectly in aid of any church, sect, or religious  
denomination or in aid of any sectarian institution.~~

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

01/19/18

Meeting Date

0004 ?

Proposal Number (if applicable)

\*Topic Repeal of No-Aid Provision

Amendment Barcode (if applicable)

\*Name RAOUL B. CANTERO

Address 200 S Biscayne Blvd #4900

Phone 305-995-5290

Street

Miami

FL

33131

City

State

Zip

Email rcantero@whitecase.com

\*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1-19-18

Meeting Date

4

Proposal Number (if applicable)

\*Topic No Aid Provision

Amendment Barcode (if applicable)

\*Name \_\_\_\_\_

Address \_\_\_\_\_  
Street

Phone 727 639 1243

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email LWVFLADVOCACY@gmail.com

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? LEAGUE of Women Voters of FL

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

P 4

Proposal Number (if applicable)

\*Topic DELETING NO AID

Amendment Barcode (if applicable)

\*Name KARA GROSS

Address 4343 W. FLAGLER ST  
Street

Phone 786-343-4436

City MIAMI State FL Zip 33134

Email KGROSS@ACLUFL.ORG

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? ACLU of FLORIDA

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18  
Meeting Date

P4

Proposal Number (if applicable)

\*Topic Religious Freedom - Blaine

Amendment Barcode (if applicable)

\*Name Marco Paredes

Address 201 W. Park Ave.

Phone 850-205-7207

Street Tallahassee State FL Zip 32301

Email mparedes@flaccb.org

\*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FL Conference of Catholic Bishops

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18  
Meeting Date

P-4

Proposal Number (if applicable)

\*Topic Repealing the Blaine Amendment

Amendment Barcode (if applicable)

\*Name Bobby Pearce Pearce (Superintendent)

Address 47 Parkside Circle

Phone 850 519-8437

Street Crawfordville State FL Zip 32327

Email robert.pearce@west.ufl.edu

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FADSS

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

P4

Proposal Number (if applicable)

\*Topic No aid Clause

Amendment Barcode (if applicable)

\*Name Scott McCoy

Address P.O. Box 10788

Phone 850-521-3042

Street Tallahassee State FL Zip 32302

Email Scott.McCoy@splcenter.org

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? Southern Poverty Law Center

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

4

Proposal Number (if applicable)

\*Topic Declaration of Rights

Amendment Barcode (if applicable)

\*Name Angela Gaud

Address 1747 Orlando Central Pkwy

Phone

Street Orlando State FL Zip 32809

Email

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☒ No

If yes, who? Florida PTA

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

Jan 19 2018

Meeting Date

4

Proposal Number (if applicable)

\*Topic religious freedom

Amendment Barcode (if applicable)

\*Name Marie-Claire Leman

Address 1911 Wahalaw Court

Phone 850-728-7514

Street

Tallahassee

FL

32301

City

State

Zip

Email marieclaireleman@gmail.com

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Common Ground

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

P4

Proposal Number (if applicable)

\*Topic Education

Amendment Barcode (if applicable)

\*Name Laurie Gaylord

Address 500 E. Ocean Blvd

Phone 772-219-1200

Street

City

Stuart

FL

34997

State

Zip

Email gaylord.laurie@fla.us

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who?

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/08  
Meeting Date

P4  
Proposal Number (if applicable)

\*Topic Religious Freedom

Amendment Barcode (if applicable)

\*Name Jon Frank

Address 208 S. Monroe St

Phone 850-509-4242

Street

Tallah FL

City State Zip

Email

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☒ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FL Assoc. of Dist. School Supt.

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

19 January, 2008  
Meeting Date

P4  
Proposal Number (if applicable)

\*Topic Declaration of Rights Religious Freedom

Amendment Barcode (if applicable)

\*Name Robert Edwards

Address 435 NW Lafayette Ave

Phone 386-294-1809

Street

Mary FL 32066

City State Zip

Email redwards@lcsbmail.net

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who?

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

D4

Proposal Number (if applicable)

\*Topic Declaration of Rights, Religious Freedom

Amendment Barcode (if applicable)

\*Name Brenda Longshore

Address 1480 Wilde St

Phone (863) 449-0162

Street

Anon Park

FL

33825

City

State

Zip

Email

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Highlands County School District

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

P-4

Proposal Number (if applicable)

\*Topic Religious Freedom

Amendment Barcode (if applicable)

\*Name Joseph Taylor

Address 652 Third Street

Phone 638-6222

Street

Clayton

FL

32128

City

State

Zip

Email

joseph.taylor@cwadep.com

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who?

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1-19-18

Meeting Date

P 4

Proposal Number (if applicable)

\*Topic Religious Freedom

Amendment Barcode (if applicable)

\*Name A. Russell Hughes

Address 72 Magnolia Blvd

Phone (850) 621-0816

Street DFJ City FL State 32433 Zip

Email

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☒ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who?

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

P 4

Meeting Date

Proposal Number (if applicable)

\*Topic Declaration of Rights

Amendment Barcode (if applicable)

\*Name Mike Thomas

Address 16077 NE 19 Hwy

Phone 352-298-6131

Street Cross City City FL State 32628 Zip

Email Michael.Thomas@DIXIE.K12.FL.us

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FADSS

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

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Information submitted on this form is public record.

\*Required



# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18

Meeting Date

P4

Proposal Number (if applicable)

\*Topic

P4 Repeals Blaine Amendment

Amendment Barcode (if applicable)

\*Name

Larry Moore

Address

P.O. Box 5958

Phone

850-482-1200

Street

Martinez

FL

32446

Email

Larry.moore@jcsb.org

City

State

Zip

\*Speaking:

☐ For

☐ Against

☐ Information Only

Waive Speaking:

☐ In Support

☒ Against

(The Chair will read this information into the record.)

Are you representing someone other than yourself?

☒ Yes

☐ No

If yes, who?

FADSS

Are you a registered lobbyist?

☐ Yes

☒ No

Are you an elected official or judge?

☒ Yes

☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# CONSTITUTION REVISION COMMISSION

## APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/2017

Meeting Date

P4

Proposal Number (if applicable)

\*Topic

P-4 Declaration of Rights, Religious Freedom

Amendment Barcode (if applicable)

\*Name

Terry Mears

Address

1844 Adolph Whitaker Rd

Phone

Street

Bonifay

FL

32425

Email

City

State

Zip

\*Speaking:

☐ For

☐ Against

☐ Information Only

Waive Speaking:

☐ In Support

☒ Against

(The Chair will read this information into the record.)

Are you representing someone other than yourself?

☐ Yes

☐ No

If yes, who?

FADSS

Are you a registered lobbyist?

☐ Yes

☒ No

Are you an elected official or judge?

☒ Yes

☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/19/18  
Meeting Date

P04  
Proposal Number (if applicable)

\*Topic No Aid Provision

Amendment Barcode (if applicable)

\*Name Rich Templin

Address 135 S. Monroe

Phone 850-224-6926

Street

Tallahassee

FL

32301

City

State

Zip

Email

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Florida AFL-CIO

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

January 17, 2018

DELIVERED VIA EMAIL

Florida Constitution Revision Commission  
The Capitol  
400 S. Monroe Street  
Tallahassee, FL 32399

**Re: Vote No on Proposals 4 and 59, Amending Art. 1, Section 3**

Dear Chair Johnson and Education Committee Commissioners:

On behalf of more than 130,000 members and supporters state-wide, the American Civil Liberties Union (ACLU) of Florida submits this testimony urging the Constitution Revision Commission to reject proposals to delete or alter the “No Aid” provision of the Florida Constitution. (i.e., Proposals 4, 59).



4343 W. Flagler St.  
Miami, FL  
(786) 363-2700  
[acluf.org](http://acluf.org)

Kirk Bailey  
Political Director

Kara Gross  
Legislative Counsel

*Preserve Religious Freedom – Article I, Section 3*

We urge the Commission to preserve Florida’s “No Aid” provision as is, which currently provides: “No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasure directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.”

Proposal 4, which would delete the No Aid provision, and Proposal 59, which would amend the No Aid proposal, would open the door to the state compelling Florida taxpayers to advance religious beliefs to which they do not subscribe or that represent a faith tradition other than their own. Moreover, deleting or amending the No Aid provision would create an unacceptable risk of Floridians directly or indirectly funding religious indoctrination, proselytizing, or discrimination in publicly-funded services.

*Trinity Lutheran Does Not Invalidate the No Aid Provision*

We note that some members of the Constitution Revision Commission have raised questions about the impact of the United States Supreme Court’s decision in *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012 (2017) (“*Trinity Lutheran*”) on Florida’s 130-year old No Aid provision. We write to clarify that *Trinity Lutheran* does not require a change to the Florida Constitution, because the No Aid provision, as interpreted by Florida courts, is not affected by *Trinity Lutheran*.

The relevant facts in *Trinity Lutheran* are as follows: Missouri’s Department of Natural Resources had a Scrap Tire Grant Program that offered reimbursement grants to qualifying organizations that install playground surfaces made from recycled tires. The state had a strict and express policy of denying grants to any applicant owned or controlled by a church, sect, or other religious entity. Trinity Lutheran operated a preschool/daycare center that applied for the grant funding. Pursuant to the state’s express policy of not funding churches or other religious institutions, it denied Trinity Lutheran’s application, and the church brought suit.





In *Trinity Lutheran*, the Supreme Court held that the state policy violated the federal Free Exercise Clause of the First Amendment by denying a church operated preschool -- solely because of its religious status -- a grant to purchase a rubber surface for its playground. The Court's narrow decision held that denial of an otherwise generally available public grant to a religious institution solely based on its *religious status* violated the Trinity Lutheran Church's First Amendment free exercise rights. 137 S. Ct. at 2024-25.

The Supreme Court's *Trinity Lutheran* opinion was a narrow decision holding that a religious institution cannot be denied a generally available public benefit (grant funding) for a non-religious use (resurfacing a playground) solely because of its status as a religious institution. That is, the Court's decision was limited to grant funding that does not advance religion, and even more narrowly limited to playground resurfacing.

In reaching its conclusion, the Supreme Court reiterated its prior holding in *Locke v. Davey*, 540 U.S. 712 (2004), in which the Court upheld the State of Washington's application of its constitutional No Aid provision to bar scholarships used for the pursuit of a devotional theological degree. *Id.* at 2023. The Court explained that, in *Locke*, the plaintiff-student "was not denied a scholarship because of who he *was*; he was denied a scholarship because of what he proposed *to do*. Here there is no question that *Trinity Lutheran* was denied a grant simply because of what it is—a church." *Id.* Thus, the policy that was rejected by the U.S. Supreme Court in *Trinity Lutheran* was the denial of public funds to a religious organization solely because it was a religious organization, while the constitutionally permitted policy in *Locke* was the denial of public funds that would be used for religious purposes. *Id.* In other words, *Trinity Lutheran* does not disturb the constitutional bar on the use of public funds to advance religion.

*Trinity Lutheran* is further limited in its application to religiously-affiliated institutions by Footnote 3 of the opinion, that stated: "This case involves express discrimination based on religious identity with respect to playground resurfacing. We do not address religious uses of funding or other forms of discrimination." *Id.* at 2024 n. 3.<sup>1</sup> Thus, *Trinity Lutheran*, by its express terms, is limited to cases involving "express discrimination based on religious identity with respect to playground resurfacing." *Id.* Even viewed slightly more broadly, the opinion is limited to cases involving "general program[s] designed to secure or to improve the health and safety of children." *Id.* at 2027 (Breyer, J. concurring in judgment).

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<sup>1</sup> Four of the six justices that joined the majority opinion joined footnote 3. *Id.* at 2016. The two remaining justices favored a broader ruling. *Id.* at 2026. However, as the narrower holding, footnote 3 is the controlling opinion. *Marks v. United States*, 430 U.S. 188, 193 (1977) ("When a fragmented Court decides a case and no single rationale explaining the result enjoys the assent of five Justices, 'the holding of the Court may be viewed as that position taken by those Members who concurred in the judgments on the narrowest grounds ...'" (quoting *Gregg v. Georgia*, 428 U.S. 153, 169, n. 15 (1976))).



Moreover, the Missouri state constitution's No Aid provision at issue in *Trinity Lutheran* is similar to Florida's No Aid provision. Both bar spending public money "directly or indirectly, in aid of any church." It is significant to note that the Supreme Court's decision in *Trinity Lutheran* did not result in any repeal or amendment to Missouri's No Aid provision; instead, the Court simply limited the provision's application in the narrow, unique circumstances addressed by that case, and the provision remains on the books and in effect in Missouri. As such, *Trinity Lutheran* does not compel, nor does the case provide justification for repealing Florida's No Aid provision. Moreover, *Trinity Lutheran* does nothing to change the fact that the government shall not compel taxpayer funding of religious institutions for religious uses.

For all the above reasons, the ruling in *Trinity Lutheran* is consistent with Florida courts' interpretation of the No-Aid provision.

*No Aid Provision Does Not Bar the State from Contracting with Religiously-Affiliated Entities to Provide Social Services*

Florida's No Aid provision does not prevent the State from contracting with religiously-affiliated organizations to provide social services. This is exemplified by the fact that there are and have been longstanding and successful partnerships between Florida and the faith-based community through religiously-affiliated organizations such as Catholic Charities, Lutheran Social Services and Jewish Federations. These organizations enter into contracts with the state and agree to provide services on a non-discriminatory basis and not to proselytize or force religious activity on the people they serve. Consequently, for decades in Florida, and throughout the country, religiously-affiliated organizations have freely contracted with the state to provide housing, food, refugee services, and other secular services for those in need.

Moreover, Florida courts have consistently interpreted the No Aid provision as a prohibition on the use of state funds to advance religion, not as a *per se* ban on the state giving funds through contracts with any religiously-affiliated institution. For example, in *Council for Secular Humanism, Inc. v. McNeil*, the First District Court of Appeal determined that the Florida Department of Corrections did not violate the No Aid provision when it used state funds to support a faith-based substance abuse transitional housing program. 44 So. 3d 112, 120-21 (Fla. 1st DCA 2010) (holding that the No Aid provision is not a "per se bar" on government contracts with religious organizations and that funds paid to a religious organization for secular purposes would not violate the No Aid provision). The Department's policy was to "consider faith-based service groups on an equal basis with other private organizations," which the court determined "was merely an expression of a nondiscrimination policy that would prevent the state from excluding groups based on religion." *Id.* at 118. "Given the text of the no-aid provision, we conclude that the overriding purpose of the provision is to prohibit the use of state funds to *promote religious or sectarian activities*. Thus, to violate the no-aid provision, in addition to providing social services, the government-funded program must also *advance religion*." *Id.* at 119-20



(emphasis added). The court concluded that “the no-aid provision does not constitute a per se bar to state or local government contracting with religious entities for the provision of goods and services.” *Id.* at 121.

More recently, the Eleventh Circuit explained that, under the No Aid provision, state funds advance religion “when a government-sponsored program is ‘used to promote the religion of the provider, is significantly sectarian in nature, involves religious indoctrination, requires participation in religious ritual, or encourages the preference of one religion over another.’” *Atheists of Florida, Inc. v. City of Lakeland, Fla.*, 713 F.3d 577, 596 (11th Cir. 2013) (quoting *McNeil*, 44 So. 3d at 120).

Additionally, in *Bush v. Holmes*, the District Court of Appeal determined that the state’s Opportunity Scholarship Program (OSP), which provided public funds for students who attended a failing public school to choose a higher performing public school or a participating private school, violated the No Aid provision. 886 So. 2d 340, 366 (Fla. 1st DCA 2004).<sup>2</sup> The court based its decision on the fact that “the vast majority of the schools receiving state funds from OSP vouchers at the time of the hearing below are operated by religious or church groups with an intent to teach to their attending students the religious and sectarian values of the group operating the school.” *Id.* at 354. The court noted that nothing in the No Aid provision bars the state from aiding or funding not-for-profit, religiously-affiliated organizations. *Id.* at 362.

As is clear from the above, Florida courts have interpreted and applied the Florida Constitution’s No Aid provision as prohibiting the state from using its funds to *advance religion*, but there is no prohibition on the use of state funds for the delivery of non-religious social services by religiously-affiliated entities.

In sum, because the No Aid provision is not affected by *Trinity Lutheran*, there is no requirement or justification to repeal the provision, nor any mandate to amend it. The provision has been maintained in the Florida Constitution in nearly identical form since the 1885 Florida Constitution, and it does not preclude contracting with religiously-affiliated entities for secular social service purposes.

Thank you for your consideration of the above and we look forward to working with you as this process moves forward. Please do not hesitate to contact us at [kbailey@aclufl.org](mailto:kbailey@aclufl.org) (786) 363-2713 or [kgross@aclufl.org](mailto:kgross@aclufl.org) (786) 363-4436, if you have any questions or would like any additional information.

Sincerely,

A handwritten signature in black ink that reads "Howard Simon". The signature is written in a cursive, flowing style.

Howard Simon  
Executive Director

---

<sup>2</sup> When the case was appealed to Florida Supreme Court, the court determined that the OSP was unconstitutional based on another provision of the Florida Constitution, and did not address the No Aid provision. *Bush v. Holmes*, 919 So. 2d 392, 398 (Fla. 2006). Thus, the First District Court of Appeal’s ruling on the No Aid provision remains the current law. *McNeil*, 44 So. 3d at 117.