

EMERGENT DESIGN & DEVELOPMENT INC.
SUMMER UPDATE
AUGUST 30, 2005

It has been a relatively quiet summer in Tallahassee, but it appears now that school has begun that things are about to heat up.

Early discussions with Superintendents indicate that some counties are experiencing a larger enrollment increase than they expected for the 2005-2006 school year, while other districts are still feeling the hurricane impact and have not regained their previous growth rate. Early indications are that Pre-K enrollment may fall well below expectation. This may have major implications for School District summer VPK programs.

Education bills that passed during the latest Legislative Session have begun to raise alarms in school districts.

HB 1877 JESSICA LUNSFORD ACT - Management issues, cost issues, vendor problems, all have contributed to making this a desired issue for consideration as a topic during the **special session** in October. According to our legislative sources, this topic will not be open for discussion during the special session.

SB 360 INFRASTRUCTURE PLANNING AND FUNDING - General concerns exist over what entity will take the lead in implementation, what districts will choose to implement early in order to qualify for special funding, and how will it effect school impact fees.

Other items of note:

SLOT MACHINES Rules and regulations for Broward County will be an issue decided during **special session**.

EMINENT DOMAIN concerns have risen over private property rights as a result of recent court rulings

COMMISSIONERS OFFICE There are two openings for Chancellors in the Commissioners office as the result of the resignations of Jim Warford and Debra Austin. Today, Cheri Yecke was invited to become the K-12 Chancellor for Florida Public Schools. Until recently, Cheri Yecke was running for Congress in the 6th District of Minnesota. Prior service included: Member of the Virginia State Board of Education, Deputy Secretary of Education in Virginia, and Virginia Secretary of Education. She was appointed as director of Teacher Quality and School Choice for the U.S.D.O.E. by resident George W. Bush. She served as Commissioner of Education in Minnesota for

16 months, but was not confirmed by a Democratic Senate. Minnesota's reform movement is patterned upon the reform movement in Florida. Jim Warford will become Executive Director of FASA on Sept. 1, 2005.

GOVERNOR'S RACE The race for Florida Governor will heat up throughout the year. The race between Charlie Crist and Tom Gallagher for the Republican nomination seems to be very close. The Democrats are undecided between Jim Davis, Rod Smith, and Scott Maddox. The last year of a Governor's term often leads to major disputes between the Legislative and executive branches. We will follow this action closely.

HIGH SCHOOL REFORM The issue of high school reform will be an issue of great significance during the session. An interim report is expected from the Senate.

SUPREME COURT DECISION ON VOUCHERS Legislators await the decision on the legality of the Florida voucher programs. I would expect a ruling soon. Expect legislative action if a ruling is unfavorable to the Florida position.

CALENDAR OF THE LEGISLATURE

In a memo to members, Senate President Tom Lee indicated that there would be no Committee meetings scheduled during the month of September, however he plans on holding Interim Committee meetings starting the week of October 17th. The House of Representatives still is scheduled to meet the week of September 12th for Interim meetings. The remaining Interim calendar as it stands now is below.

Legislative Interim Committee Schedule

September 12 – 16, 2005	Interim Committee Meetings – (House Only)
October 17 - 21, 2005	Interim Committee Meeting -
November 7 – 10, 2005	Interim Committee Meetings
December 5 – 9, 2005	Interim Committee Meetings
January 9 – 13, 2006	Interim Committee Meetings
January 23 – 27, 2006	Interim Committee Meetings
February 6 – 10, 2006	Interim Committee Meetings
February 13 – 17, 2006	Interim Committee Meetings
February 20 – 24, 2006	Interim Committee Meetings
March 7, 2006	Opening Day of Regular Session
May 5, 2006	Last Day of Regular Session - (Sine Die)

SPECIAL SESSION

Throughout the summer there has been talk of holding a special session to revisit a number of the issues which were left undecided in the 2005 Regular session.

As of today no such call has been made, but rumor indicates that a special session will be called in October. In mid July, 20 House Democrats, led by Rep. Chris Smith and Rep. Dan Gelber, filed certificates with the Department of State verifying conditions warrant convening a special session to override the governor's vetoes. According to Florida Statutes, once 20 percent of the Legislature, or 32 members, submit such certifications, the Secretary of State is required to poll every member of the Legislature to see whether they support having the special session. It would then take a three-fifths majority of both chambers to call the Legislature back for a special session. Possible issues for the special session are; slot machine regulation, further clarification of some Medicare issues, Cecil Field renewed usage as a military base, and growth management issues.

FUTURE LEGISLATIVE LEADERSHIP NEWS

Every two years the House and Senate members elect a new Speaker and President. The Current House Speaker, Allan Bense and Senate President Tom Lee's terms are up following the end of the 2006 session. In the fall of 2006, assuming the Republicans maintain control of the Florida House, Marco Rubio (R) of Miami will be the next speaker, followed in 2008 by Ray Samson (R) of Destin. Tallahassee new comer Dean Cannon (R) of Winter Park was named as the 2010-2011 Speaker of the House. Over in the Senate Alex Diaz de la Portilla (R) Miami, is slated to be the Senate President starting in 2007 and Paula Dockery (R) Lakeland, is expected to be the third woman Senate President in Florida history following Diaz de la Portilla's presidency.

EDUCATION Bills filed for the 2006 Legislative session as of 8/22/2005:

HB 0023 by Jordan

Bicycle Safety; revises safety standard requirements for bicycle helmets that must be worn by certain riders & passengers; provides for enforcement of certain bicycle equipment requirements; provides penalties for violations; provides for dismissal of first offense. Amends 316.2065. EFFECTIVE DATE: 10/01/2006.

HB 0029 by Sansom

Sales Tax/School Supplies & Clothing; specifies period during which sale of books, clothing, & school supplies shall be exempt from such tax; provides definitions & exceptions; authorizes DOR to adopt rules. APPROPRIATION: \$206,000. EFFECTIVE DATE: 07/01/2006.

HB 0031 by Rice

Eminent Domain/Private Property; constitutional amendment to provide that private economic development shall not be deemed to constitute public purpose for which private property may be taken by eminent domain. Amends s. 6, Art. X.

HB 0033 by Domino

Homestead Property/Just Value; constitutional amendment to provide additional circumstance for assessing homestead property at less than just value. Amends s. 4, Art. VII.

HB 0035 by Peterman

Drug Paraphernalia Abatement; creates Drug Paraphernalia Abatement Task Force within Executive Office of Governor; provides for meetings & duties; provides that meetings & records of task force are subject to statutory public meetings & records requirements; provides for members of task force to be reimbursed for per diem & travel expenses; requires Drug Control Office within Executive Office of Governor to provide staff support; abolishes task force on specified date, etc. EFFECTIVE DATE: Upon becoming law.

HB 0037 by Adams

Consumer Credit Report Information; authorizes consumer to place security freeze on his or her credit report; defines "consumer credit report security freeze"; authorizes consumer to allow specified temporary access to his or her credit report during security freeze; provides procedures re such temporary access; provides for removal of such freeze when consumer's credit report was frozen due to material misrepresentation of fact by consumer, etc. Creates 501.005. EFFECTIVE DATE: 07/01/2006.

HB 0039 by Farkas

Limitations on Property Assessments; constitutional amendment to apply to all residential & commercial property limitations on assessments of property at just value currently applicable only to homestead property. Amends s.4, Art. VII.

HB 0045 by Porth

False or Misleading Electronic Mail; provides exemption from criminal liability for certain carriers whose equipment transmits commercial electronic mail messages that violate provision which prohibits specified actions re transmission of false or misleading unsolicited commercial electronic mail messages; provides criminal penalties for violations; provides applicability, etc. Amends 668.606,.6075,.610; creates 668.608. EFFECTIVE DATE: 07/01/2006.

HB 0047 by Greenstein

Hurricane Preparedness/Sales Tax; provides exemption from sales & use tax for sales of certain tangible personal property for certain period for certain purposes; provides exception; prohibits purchases of certain building materials by certain means; specifies certain activities by certain entities as unfair methods of competition; provides civil penalties; authorizes DOR to adopt certain rules. APPROPRIATION: \$221,400. EFFECTIVE DATE: Upon becoming law.

HB 0051 by Meadows

Health Ins./Autism Spectrum Disorder; requires health insurer or HMO that offers major medical coverage to include coverage for treating autism spectrum disorder; authorizes insurer or HMO to confirm diagnosis or review appropriateness of treatment plan; limits amount of annual coverage; provides that act does not affect licensure of health care professional or impair right to reimbursement of health care provider, etc. EFFECTIVE DATE: 07/01/2006.

HB 0055 by Smith

Restoration of Civil Rights; requires that administrator of county detention facility provide application form for restoration of civil rights to prisoner who has been convicted of felony & is serving sentence in that facility; authorizes use of volunteers to assist prisoner in completing application; provides that this act shall not apply to prisoners who are transferred to DOC. EFFECTIVE DATE: 07/01/2006.

HB 0057 by Quinones

Student Assessment/FCAT; requires DOE to conduct concordance studies to determine FCAT equivalencies for high school graduation; deletes limitation on use of alternative assessments for grade 10 FCAT; requires DOE to conduct concordance study to identify alternative examinations for grade 10 FCAT for students with limited English proficiency. Amends 1008.22. EFFECTIVE DATE: 07/01/2006.

HB 0067 by Sobel

Automated External Defibrillators; defines terms "youth athletic organization" & "automated external defibrillator device"; provides for grants to youth athletic organizations for said devices; provides for disbursement of funds from Emergency Medical Services Trust Fund; requires DOH to implement educational campaign to inform public about lack of immunity from liability re use of said devices under certain conditions. Amends 401.107,.111,.113. EFFECTIVE DATE: 07/01/2006.

HB 0075 by Bilirakis

McKay Scholarships/Disabilities; revises definition of term "students with disabilities"; revises student eligibility requirements for receipt of scholarship; revises provisions re scholarship funding & payment; provides funding & payment requirements for former Florida School for Deaf & Blind students & for students exiting Juvenile Justice Dept. program. Amends 1002.39. EFFECTIVE DATE: Upon becoming law.

HB 0087 by Gottlieb

Student Safety; creates "Student Safety & Campus Violence Prevention Act"; prohibits harassment, discrimination, & violence during education programs & activities conducted by certain educational institutions; requires each school district to adopt policy prohibiting harassment, discrimination, & violence on school property, at a school program or activity, or on school bus; authorizes redress under civil or criminal law; provides immunity & severability, etc. EFFECTIVE DATE: Upon becoming law

HB 99 by Slosberg

Diana Kautz Student Safety Sponsors; creates Diana Kautz Student Safety Sponsors Act; provides for district school boards to adopt policies for private sponsorship of described seat belt assemblies on school buses; provides for sponsorship fee; provides for signage on exterior of school bus acknowledging sponsorship; limits liability of sponsors; revises requirement that students use crash protection system on school bus, etc. Creates 1006.273; amends 1006.25,.261. EFFECTIVE DATE: 07/01/2006