

# **Emergent Design and Development Legislative Update February 18, 2005**

The 2005 Legislative session is rapidly approaching. The first day of the regular session will be March 6, 2005.

The Senate has filed 84 education bills which we are tracking, while the House of Representatives has filed 54 education bills.

There appears to be extra money for the budget this year, however, much of this money is from non-recurring sources and will not be available for ongoing type projects.

The Governor's Budget for the 2005-2006 fiscal year is \$61.6 billion dollars. This translates into a 2% increase in the total budget. Public Schools received the benefit of an increase of \$1.1 billion dollars. Some items of interest in the Budget are:

1. Voluntary Pre-K	\$400.5 million
2. Reading initiatives	\$186.4 million
3. Excellent teaching	\$84.2 million
4. Sparsity	\$40.0 million
5. Instructional materials	\$251.0 million
6. Class size reduction	\$1,423.7 million
7. Technology	\$49.9 million
8. Science lab supplies	\$ 4.1 million

The biggest news centers on the Governor's request for Constitutional Amendments to address class size and teacher salaries. His recommendation is that the class size requirements would be implemented only at the district level, not at the school and classroom level. The savings received by not implementing the class size amendment would be applied toward his proposal of a \$35,000 starting salary for teachers.

I would also encourage you to closely follow the implementation of the Voluntary Pre-K program. Many districts are unsure of their role and implementation begins in August of this year. It is anticipated that between 150,000 and 175,000 students could be involved in this program.

President Bush has released his budget request for fiscal year 2006. Among issues of interest for us are:

1. Title 1 is increased from \$12.7 billion to \$13.3 billion
2. Special education (IDEA) is increases from \$10.6 billion to \$11.1 billion
3. Title II ( teacher quality grants) remains the same \$2.9 billion
4. Title V ( innovative grants ) decreases from \$198.4 million to \$100 million
5. High School Reform (new) is requested at \$1.5 billion
6. Teacher quality grants (new) is requested at \$500 million
7. Choice incentive grants (new) is requested at \$50 million

The new high school reform program proposes \$1.2 billion to fund a high school intervention initiative, \$250 million to measure performance in Reading and Math, and \$200 million to improve reading. In order to do this, some programs were reduced or eliminated. These would include vocational educational programs, Upward Bound, Even Start, Safe and Drug Free Schools and the Educational Technology Grants.

The new Teacher Quality Grants would be designed to stimulate alignment of teacher compensation with better teaching and higher student achievement.

Here are the bills that have been filed since the last update. As the session progresses, we will be sending an update of the status of all bills.

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Sorted by Bill Number

**HB 0413 -- By Gelber**

**FRS/Senior Management Service Class**; revises retirement credit rate for members of Senior Management Service Class; provides finding of important state interest. Amends 121.055. EFFECTIVE DATE: Upon becoming law.

**HB 0421 -- By Bendross-Mindingall**

**Public School Student Progression**; revises provisions re mandatory retention; provides for mandatory retention at end of grade 4 based on reading deficiency demonstrated by statewide assessment testing & teacher observation; conforms provisions re intensive interventions in reading for retained students. Amends 1008.25. EFFECTIVE DATE: 07/01/2005.

**HB 0425 -- By Taylor**

**Public Schools/Required Instruction**; revises provisions re development & adoption of character-development curricula by district school boards; revises components of curricula. Amends 1003.42. EFFECTIVE DATE: 07/01/2005.

**HB 0439 -- By Attkisson**

**K-12 GI Bill Program/Educ. Choice**; establishes said program to provide educational options for dependents of Fla. veteran, active duty member of any branch of U.S. Armed Forces, active or retired member of Fla. National Guard, or active member of Armed Forces Reserves; provides that student may receive K-12 GI Bill to attend public school in adjacent school district or to attend private school; provides K-12 GI Bill eligibility requirements, etc. Creates 1002.395; amends 1002.20. EFFECTIVE DATE: Upon becoming law.

**HB 0445 -- By Henriquez**

**Student Progression/Social Studies**; requires comprehensive program for student progression to include assessment of performance in social studies; clarifies participation in statewide assessment program; conforms provisions re subject area grade level proficiency of students in Juvenile Justice Dept. education programs; specifies that act does not require change in subject areas measured by statewide assessment program. Amends 1008.25, 1003.51,.52. EFFECTIVE DATE: 07/01/2005.

**HB 0461 -- By Kreegel**

**Sparsity Supplement Funds/Schools**; revises provisions re manner in which each school district's allocation of sparsity supplement funds shall be adjusted. Amends 1011.62. EFFECTIVE DATE: 07/01/2005.

**HB 0469 -- By Sands**

**Educational Facilities/Indoor Air**; requires each district school board to adopt & implement indoor air quality program; requires annual reports to DOE; requires uniform air quality inspections & evaluations; provides requirements for educational facility sites & project plans; provides requirements for heating, ventilating, & air-conditioning systems; requires indoor environmental quality training programs for staff, etc. Creates 1013.135. EFFECTIVE DATE: 07/01/2005.

**HB 0483 -- By Hays**

**FRS/Senior Management Employees**; authorizes certain senior management employees who withdrew from system a period within which to transfer into certain retirement programs of system; provides for transfer of retirement contributions, interest, & earnings; provides employees with service credit upon transferring into new program; provides requirements for calculation of service credit; requires employees to transfer funds upon moving into new program, etc. Amends Ch. 121. EFFECTIVE DATE: 07/01/2005.

**HB 0533 -- By Troutman**

**Florida Virtual School**; provides for application of provisions re Florida Virtual School to approved school district franchises of school. Amends 11.45, 1000.04, 1001.42, 1002.20,.23,.37, 1003.02,.03,.52, 1007.27, 1011.61. EFFECTIVE DATE: 07/01/2005.

**HB 0535 -- By Arza**

**Private School Bus Drivers**; provides requirements for private school bus drivers, including specified qualifications, drug & alcohol testing, background screening, & certain registration or licensure. Amends 1002.42. EFFECTIVE DATE: 07/01/2005.

**HB 0563 -- By Pickens**

**FRS/Public School Members**; defines term "public school member"; provides for calculation of retirement benefits payable to public school members; provides retroactive applicability; provides for funding of benefit increases for public school members; provides finding of important state interest. Amends 121.021,.091. EFFECTIVE DATE: 07/01/2006.

**HB 0573 -- By Jennings, Jr.**

**Enterprise Zones**; authorizes Tourism, Trade, & Economic Development Office to approve requests to amend enterprise zone boundaries; authorizes existing said zones to request recertification; reduces amount of sales tax refunded for business property used in enterprise zone; authorizes eligible businesses to transfer unused credits; extends expiration date of Fla. Enterprise Zone Act of 1994, etc. Amends 212.08, 290.007,.016. EFFECTIVE DATE: 07/01/2005.

**HB 0611 -- By Baxley**

**Internet Screening in Public Library;** requires public libraries to provide technology that protects against Internet access to specified proscribed visual depictions; allows adults to request disablement of technology for specified purposes; prohibits library from maintaining record of adults who request such disablement; requires library to post notice of its Internet safety policy; provides finding of important state interest, etc. Creates 257.44. EFFECTIVE DATE: 10/01/2005.

**HB 0671 -- By Bullard (E)**

**Voter Education;** requires district school boards & county supervisors of elections jointly to provide program of voter education for high school seniors; provides guidelines for content of educational program; requires that program of voter education be conducted during school hours. EFFECTIVE DATE: 07/01/2005.

**HB 0673 -- By Bullard (E)**

**State Lottery/Unclaimed Prize Money;** requires that all unclaimed prize money from lottery tickets, except instant lottery tickets, be deposited in Educational Enhancement Trust Fund; requires that unclaimed prize money deposited in said trust fund be used only to provide funding for grades K-12 through Fla. Education Finance Program; amends provision re said trust fund, to conform. Amends 24.115., 121, 1010.70. EFFECTIVE DATE: 07/01/2005.

**HB 0679 -- By Antone**

**School Dress Code Policy/Orange Co.;** provides legislative findings; requires Orange County School Board to adopt dress code policy that requires students to wear schoolwide uniform; provides for implementation. EFFECTIVE DATE: 07/01/2005.

**HB 0683 -- By Grimsley**

**Public K-12 Educational Instruction;** cites act as "Cynthia Disman Melanoma Prevention Act"; provides legislative intent; requires provision of instruction re sun safety & skin protection; provides requirements for such instruction. Creates 1003.4205. EFFECTIVE DATE: Upon becoming law.

**HB 0729 -- By Goodlette**

**Self-Insurers Guaranty/Pub. Rec.;** exempts from public records & public meetings requirements certain records of Fla. Self-Insurers Guaranty Association, Inc., & certain meetings of board of directors of association or any subcommittee of board; provides for future review & repeal; provides findings of public necessity. Creates 624.465. EFFECTIVE DATE: Upon becoming law.

**HB 0735 -- By Ausley**

**Assistive Technology Devices & Svcs.;** requires interagency agreements to ensure that said devices remain with young person with disabilities as he or she makes certain transitions. EFFECTIVE DATE: 07/01/2005.

**HB 0781 -- By Allen**

**Retiree Health Insurance Subsidy;** revises provisions for determination of amount of subsidy for retirees of defined benefit program & eligible participants of Public Employee Optional Retirement Program of Fla. Retirement System or their beneficiaries; provides cost-of-living adjustment for subsidy; revises contribution paid by employers of state-administered retirement plans; provides finding of important state interest. Amends 112.363. EFFECTIVE DATE: 07/01/2005.

**HB 0799 -- By Taylor**

**Public School Student Progression**; revises components of school district student progression programs; eliminates guidelines for allocating school district remedial & supplemental instruction resources; eliminates midyear promotion; provides procedures for parental requests for retention; revises guidelines for remedial reading instruction & intervention strategies; revises purpose of Reading Enhancement & Acceleration Development Initiative, etc. Amends 1008.25, 1002.20,.23.

**SB 0808 -- By Webster**

**Constitutional Amendments**; expresses legislative intent to propose amendments to State Constitution. EFFECTIVE DATE: Upon becoming law.

**HB 0809 -- By Roberson**

**Immigrant Children/Residency Status**; directs CFS Dept. or community-based care provider to determine whether dependent child is citizen of U.S. & to report information to court; provides that services to children alleged to have been abused, neglected, or abandoned be provided without regard to citizenship of child except where alienage or immigration status is explicitly set as statutory condition of coverage or eligibility, etc. Creates 39.5075. EFFECTIVE DATE: 07/01/2005.

**SB 0810 -- By Webster**

**State Constitution**; expresses legislative intent to enact laws re State Constitution. EFFECTIVE DATE: 07/01/2005.

**HB 0813 -- By Simmons**

**Public Ed. Class Size Reductions**; constitutional amendment, re public education, to limit class size reductions & provide funds for increased teacher compensation & other public education purposes. Amends s. 1, Art. IX.

**HB 0815 -- By Bilirakis**

**Workforce Investment Act**; provides purpose; defines terms; authorizes scholarship-funding tax credits; provides limitations on individual & total credits; provides obligations of public school education foundations. Creates 220.188. EFFECTIVE DATE: 07/01/2005.

**HB 0861 -- By Ross**

**Construction Contracting**; revises requirements for supervision of uncertified or unregistered persons by certified or registered contractors; provides limitation. Amends 489.113. EFFECTIVE DATE: 07/01/2005.

**SB 0862 -- By Bennett**

**Educational Loan Marketing Corp.**; creates Educational Loan Marketing Corporation of Florida to provide services as secondary student loan market; provides for board of directors & specifies membership; provides powers & duties of corp.; authorizes corp. to borrow through public bonds & private financial sources; provides exemptions from taxation, procurement procedures, & administrative procedures. Creates 1009.9997. EFFECTIVE DATE: Upon becoming law.

**SB 0866 -- By Haridopolos**

**Student Financial Assistance;** provides legislative intent to expand access to postsecondary education & reduce student indebtedness; requires each state university & community college to report information re certain funds used to provide financial assistance to certain students; prohibits use of such funds to provide financial assistance to specified foreign students; requires annual state university & community college reporting, etc. EFFECTIVE DATE: 07/01/2005.

**SB 0876 -- By Baker**

**K-12 GI Bill Program/Educ. Choice;** establishes said program to provide educational options for dependents of active-duty member of any branch of U.S. Armed Forces, active member of Fla. National Guard, or active member of Armed Forces Reserves; provides that student may receive K-12 GI Bill to attend public school in adjacent school district or to attend private school; provides K-12 GI Bill eligibility requirements, etc. Creates 1002.395; amends 1002.20. EFFECTIVE DATE: Upon becoming law.

**HB 0877 -- By Richardson**

**No Child Left Behind Act;** urges Congress to reevaluate requirements of No Child Left Behind Act & to fund levels authorized in act.

**HB 0879 -- By Hukill**

**Public School Instruction;** provides legislative intent; provides district school board responsibility for developing fine & performing arts program & assessing students re knowledge & skills obtained; requires written policy re time & access to program; requires annual reports. Creates 1003.457. EFFECTIVE DATE: 07/01/2005.

**HB 0891 -- By Flores**

**Sales Tax/Education Materials;** exempts certain educational materials from tax on sales, use, & other transactions. Amends 212.08. EFFECTIVE DATE: 07/01/2005.

**SB 0896 -- By Education**

**Fla. Prepaid College Prog./Pub. Rec.;** (OPEN GOVERNMENT SUNSET REVIEW) revises public-records exemption provided for info. that identifies purchaser or beneficiary of said program; eliminates reference to advance payment account activities; clarifies that such records are exempt from specified provisions; amends provisions re Fla. College Savings Program to revise public-records exemption provided for info. that identifies benefactor or beneficiary of program, etc. Amends 1009.98,.981. EFFECTIVE DATE: 10/01/2005.

**HB 0903 -- By Harrell**

**Public School Class Size;** Revises provisions relating to determination of class size averages for purpose of compliance with class size maximums; provides for reversal of class size reduction operating categorical transfers under certain circumstances. Effective Date: July 1, 2005.

**HB 0907 -- By-**

**Public School Accountability;** Revises school performance grade categories; revises requirements for obtaining increased budget authority by schools; revises the method for determining school performance grades; provides for public hearings relating to the adoption of school performance grade requirements; renames the Florida School Recognition Program as the Students First Program and revises provisions thereof; provides program components; provides for the use of Students First Program funds; provides duties of the Department of Education. Effective Date: July 1, 2005.

**SB 0942 -- By Peaden, Jr.**

**Public Records Exemption;** expresses legislative intent to revise laws re public records exemption. EFFECTIVE DATE: Upon becoming law.

**SB 1028 -- By Commerce and Consumer Services**

**School Readiness Records/OGSR;** (OPEN GOVERNMENT SUNSET REVIEW) specifies that exemption from public-records requirements provided for records of children in school readiness programs applies to personally identifiable records of children enrolled in programs; extends exemption to records held by certain contractors of early learning coalitions; provides for future repeal & legislative review of exemption; provides statement of public necessity. Amends 411.011. EFFECTIVE DATE: Upon becoming law.

**SB 1034 -- By Baker**

**Extracurricular Activities/Eligible;** provides that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; provides that student shall not be precluded from participation in certain activities; provides certain restrictions re participation; conforms provisions. Amends 1006.15, 1002.33,.41. EFFECTIVE DATE: 07/01/2005.

**SB 1052 -- By Crist**

**Residence of Sexual Offenders;** defines term "convicted" & "conviction" to include conviction in another state or in federal jurisdiction; prohibits person who has been convicted of certain sexual offenses in another state or federal jurisdiction from residing within 1,000 feet of certain specified locations if victim was younger than 16 years of age; provides penalties. Amends 794.065. EFFECTIVE DATE: 07/01/2005.

**SB 1076 -- By Miller, Jr.**

**High School Graduation Requirements;** prescribes formula for computing each student's graduation grade point average, which formula includes results from student's grade-10 FCAT & grade-10 norm-referenced test, as well as coursework grades. Amends 1003.43. EFFECTIVE DATE: 07/01/2005.

**SB 1088 -- By Wilson**

**Early Learning;** requires students to comply with disciplinary policies; prohibits certain forms of discipline; requires that, by specified future date, each school-year prekindergarten program comprise at least a specified minimum number of instructional hours; requires that DOE review & approve curriculum used by any provider in implementing Voluntary Prekindergarten Education Program. Amends 1002.53,.65,.67. EFFECTIVE DATE: Upon becoming law.

**SB 1164 -- By Posey**

**Sexually Oriented Material/Minors**; provides definitions re transmission of materials to minor; prohibits person in this state or in any jurisdiction from transmitting sexually oriented material or material that is harmful to minor by means of unsolicited electronic mail or computer pop-up; provides that violation of act is felony of third degree; provides criminal penalties. Creates 847.01385. EFFECTIVE DATE: 07/01/2005.

**SB 1198 -- By Posey**

**Elections/Schools/Polling Places**; requires each county supervisor of elections to submit to district school board a calendar of election dates; requires scheduled days to coincide with election dates & schools to be made available as polling places; requires timely notification. Creates 98.485. EFFECTIVE DATE: 07/01/2005.

**SB 1214 -- By Wilson**

**Public School Student Progression**; revises components of school district student progression programs; eliminates guidelines for allocating school district remedial & supplemental instruction resources; eliminates midyear promotion; provides procedures for parental requests for retention; revises guidelines for remedial reading instruction & intervention strategies; revises purpose of Reading Enhancement & Acceleration Development Initiative, etc. Amends 1008.25, 1002.20,.23. EFFECTIVE DATE: Upon becoming law.

**SB 1230 -- By Carlton**

**Voluntary Prekindergarten Education**; expresses legislative intent to revise laws re Voluntary Prekindergarten Education Program. EFFECTIVE DATE: Upon becoming law.

**SB 1242 -- By Aronberg**

**FRS/Prior Military Wartime Service**; authorizes additional persons to purchase credit for prior military wartime service. Amends 121.111. EFFECTIVE DATE: 07/01/2005.

**SB 1248 -- By Wilson**

**School Health Services Program**; defines term "school-based health center" for purposes of School Health Services Act; provides that such center is health care entity acting as instrumentality of state for purposes of certain limitations on liability. Amends 381.0056. EFFECTIVE DATE: Upon becoming law.

**SB 1254 -- By Constantine**

**Deferred Compensation/Govt. Employee**; provides that deferred compensation plan or plans established by Chief Financial Officer apply to employees of governmental entities other than state. Amends 112.215. EFFECTIVE DATE: 10/01/2005.

**SB 1266 -- By Jones**

**FRS/Public School Members**; defines term "public school member"; provides for calculation of retirement benefits payable to public school members; provides retroactive applicability; provides for funding of benefit increases for public school members; provides finding of important state interest. Amends 121.021,.091. EFFECTIVE DATE: 07/01/2006.

**SB 1272 -- By Wise**

**Independent Education/Pub. Rec.;** creates exemption from public records requirements for complaint, information obtained during investigation by Independent Education Comm., & minutes & findings of probable cause panel re suspected violations of specified provisions or commission rules; creates exemption from public meetings requirements for proceedings of probable cause panel; provides for limited duration of exemptions, etc. Amends 1005.38. EFFECTIVE DATE: Contingent.

**SB 1276 -- By Hill**

**Aunts & Uncles Day; recognizes July 26, 2005,** as Aunts & Uncles Day in honor of important role aunts & uncles play in lives of their nieces & nephews.

**SB 1280 -- By Hill**

**School Instruction/History of Labor;** allows school districts to provide instruction in history of labor. Creates 1003.422. EFFECTIVE DATE: 07/01/2005.

**SB 1282 -- By Hill**

**Youth Athletics Programs;** requires security background screening by FDLE for persons who volunteer or work for youth athletic association; prohibits person from volunteering or working with youth athletic association before completing screening; provides for payment of fees to cover costs of screening; defines term "youth athletic association". EFFECTIVE DATE: 07/01/2005.

**SB 1286 -- By Bennett**

**Sparsity Supplement Funds/Schools;** revises formula for determining sparsity supplement; requires that district having wealth adjustment receive no less than statewide average amount of per-student funding. Amends 1011.62. EFFECTIVE DATE: 07/01/2005.

**SB 1294 -- By Bennett**

**School District Millage;** expands authorized school board millage levy funding to include payment of premiums for property & casualty insurance necessary to insure school district educational plants. Amends 200.065, 1011.71. EFFECTIVE DATE: 07/01/2005.

**SB 1304 -- By Margolis**

**School Crossing Guard Protection Law;** creates said law; provides penalties for willfully failing or refusing to comply with lawful order or direction of school crossing guard. Amends 316.072. EFFECTIVE DATE: 10/01/2005.

**SB 1308 -- By Regulated Industries**

**Enclosed Indoor Workplace/Smoking;** defines term "person" for purposes of act; eliminates certain exceptions to prohibition against smoking in enclosed indoor workplace; prohibits proprietor or person in charge of enclosed indoor workplace from permitting smoking in that workplace; requires that proprietor or person in charge of enclosed indoor workplace request person who is smoking to stop smoking or leave the premises; provides penalties, etc. Amends Ch. 386, 561.695. EFFECTIVE DATE: 07/01/2005.

**SB 1358 -- By Fasano**

**Workforce Education**; allows workforce education program conducted by school district to use term "college" in name of school that is site of program. Amends 1011.80. EFFECTIVE DATE: 07/01/2005.

**SB 1362 -- By Clary**

**Term Limits/Constitutional Officers**; constitutional amendment to increase, from 8 to 12, number of consecutive years state legislator or any Cabinet officer may serve in that office before being denied right to have his or her name appear on ballot for re-election to that office; provides that amendment applies to those officers whose consecutive years in office begin in November 2006 or thereafter, etc. Amends s. 4, Art. VI; creates s. 26, Art. XII.

**SB 1374 -- By Dockery**

**School Capital Outlay Funding**; establishes High Growth District Capital Outlay Assistance Grant Program; provides for use of funds to construct new student stations; provides requirements for school district qualification for grant; provides methodology for allocation of funds. EFFECTIVE DATE: 07/01/2005.

**SB 1420 -- By Wise**

**Secondary School/Invocation at Event**; authorizes individual district school boards by resolution to allow invocation or benediction at specified secondary school-related events; provides legislative intent; provides severability. EFFECTIVE DATE: 07/01/2005.

**SB 1424 -- By Lawson Jr.**

**FRS/Normal Retirement Date & Age**; redefines terms "normal retirement date" & "normal retirement age" for specified period to allow normal retirement after 25 years of service & attainment of age 50; limits participation in Deferred Retirement Option Program; authorizes state to purchase annuities for certain state personnel. Amends 121.021; creates 121.185. EFFECTIVE DATE: 07/01/2005.

**SB 1556 -- By Lynn**

**Workforce Education**; expresses legislative intent to revise laws re workforce education. EFFECTIVE DATE: Upon becoming law.

**SB 1560 -- By Constantine**

**FCAT/Students/Limited English**; requires DOE to conduct concordance study to identify alternative examinations for grade 10 FCAT for certain students with limited English proficiency; requires approval of such examinations by Commissioner of Education; provides student eligibility requirements; provides for satisfaction of assessment requirement for high school graduation. Amends 1008.22. EFFECTIVE DATE: 07/01/2005.

**SB 1566 -- By Baker**

**Student Progression/Social Studies**; requires comprehensive program for student progression to include assessment of performance in social studies; clarifies participation in statewide assessment program; conforms provisions re subject area grade level proficiency of students in Juvenile Justice Dept. education programs; specifies that act does not require change in subject areas measured by statewide assessment program. Amends 1008.25, 1003.51,.52. EFFECTIVE DATE: 07/01/2005.