

Emergent Design and Development

Legislative Update
May 18, 2005

The Legislative Session is over. It finally closed at 11:50 PM on Friday May 6th. As always, not everything was accomplished that was desired by the Governor, the Senate, or the House of Representatives.

Education seemed to fair quite well, when compared to recent years, although it varied from district to district.

It is very hard to tell whether the important news is what legislation passed, or what legislation failed to pass, during this session.

This year's Legislation Session was one of the smoothest in recent years. This was the result of the attitudes of the leadership in the House and Senate, as well as having more dollars available.

Education Budget Highlights and some items of interest:

*Total Budget	\$16,408,794,445	increase
*Base Student Allocation	3,742.42	increase of \$72.16
*Average total increase	8.85%	increase
*Average per unweighted FTE	6.15%	increase
*Instructional materials	247,999,489	increase
*Technology	49,914,766	same
*Pre-K	387,137,762	new
*Sparsity	35,000,000	increase
*Safe Schools	75,350,000	same
*Supplemental Academic Instruction	670,341,490	increase
*Research Based Reading	89,000,000	increase
*Class Size Reduction	1,528,398,093	increase
*Science Lab Materials	4,100,000	same
*Library Media Materials	15,000,000	same
*Transportation	451,431,961	increase
*Math/Science Commission	230,000	new
*State Science Fair	60,000	same
*Teacher Lead Program	17,877,200	increase
*Just Read Florida	68,043,873	increase
*Teacher Professional Dev.	134,559,387	increase

General Budget Notes :

A non-voted levy of .25 mills is allowed to enable districts to raise an amount not to exceed \$100. per full time equivalent student.

The budget includes funding for an additional 66,000 students.

Pre-K dollars will have the district cost differential applied to them.

Pre-K allocation includes the additional 5% appropriation which is provided for administrative costs of Early Learning Coalitions.

Bills of interest that passed follow. Note the bills include the sponsor, a short title, a brief explanation of the bill, and an effective date. Full text of these bills can be found on the web by going to www.leg.state.fl.us

Bill	Title	Sponsor
HB 101	Books/Clothing/School Supplies/Tax	Sansom
SB 106	State Retirement Program	Constantine
HB 193	Chad Meredith Act	Hasner
HB 209	School Students/Psychotropic Med	Barreiro
HB 227	Ms. Willie Ann Glenn Act	Greenstein
HB 279	Students/Administering Epinephrine	Grimsley
HB 281	School Districts/Paperwork Reduction	Sansom
SB 360	Infrastructure Planning & Funding	Bennett
SB 442	Building Safety	Bennett
SB 498	Immigrant Children/Residency Status	Margolis
SB 574	Official Fruit of Florida	Haridopolos
HB 579	Acceleration Mechanisms	Proctor
SB 652	Public Construction Bonds	Sebesta
HB 835	Wind-protection/Fla. Building Code	Detert
HB 841	State Lottery/Public Education	Attkisson
SB 1090	Minors/Psychotropic Medication	Campbell

HB 1189	Child's Education/Deceased Veteran	Jordan
SB 1338	Florida Statutes	Pruitt
HB 1377	Ethics/Public Officers & Employees	Ryan
SB 1446	Public Employee Optional Retirement	Argenziano
SB 1494	Information Technology Management	Argenziano
SB 1678	Public School Class Size	Alexander
HB 1695	Voluntary Pre-K Education Program	PreK-12
HB 1723	Initiatives/60 Percent of Electors	Simmons
HB 1725	Fla. Enterprise Zone Act	Economic Development, Trade & Banking
HB 1861	School Readiness Records/OGSR	Governmental Operations
HB 1877	Jessica Lunsford Act	Criminal Justice
SB 2144	State Budget Planning & Spending	Atwater
SB 2268	Athletic Trainers	Fasano
SB 2550	Assistive Technology Device/Services	Wise

HB 101 – by Sansom

Books/Clothing/School Supplies/Tax; specifies period during which sale of books, clothing, & school supplies are exempt from tax on sales, use, & other transactions; provides definitions; provides exceptions; authorizes DOR to adopt rules. APPROPRIATION: \$206,000. EFFECTIVE DATE: 07/01/2005.

Summary:

HB 101 provides that no sales tax will be collected upon books, clothing, wallets or bags, including handbags, backpacks, fanny packs, and diaper bags having a selling price of \$100 or less per item, or upon school supplies having a selling price of \$10 per item or less during the nine day period of July 23 – July 31, in every calendar year.

- defines "clothing" to mean any article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body;
- excludes from the definition of "clothing" watches, watchbands, jewelry, handkerchiefs, and umbrellas;
- defines "school supplies" to mean pens, pencils, erasers, crayons, notebooks, paper, legal pads, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer discs, protractors, compasses, and calculators;
- provides that the provisions of the Act do not apply theme parks, public lodging establishments, and airports; and
- provides specific rule-making authority to the Department of Revenue to adopt rules to implement the Act.

SB 106 – by Constantine

State Retirement Program; provides that disability of employee who works in another state full time may be certified by physicians licensed in that state; corrects cross-reference; increases size of State Retirement Commission from three to five members; revises quorum requirements of commission; deletes provision that requires 1 academic year of employment or appointment in State University System for participation in optional retirement program. Amends 121.091,.22,.24,.35. EFFECTIVE DATE: 07/01/2005.

Summary:

SB 106 permits certification of medical disability by two physicians of the state in which an eligible member of the Florida Retirement System works if that state is not Florida. The bill also changes the membership and quorum requirements for meetings of the State Retirement Commission to account for a change in the number of appointees.

HB 193 - by Hasner

Chad Meredith Act; specifies conduct that constitutes hazing at high schools with grades 9-12; creates new offenses of hazing at such high school; authorizes court to impose condition of drug or alcohol probation in certain circumstances; provides for felony & misdemeanor offenses of hazing at postsecondary educational institutions; requires court to impose hazing education course as condition of sentence in certain circumstances, etc. Amends 1006.63, 1001.64.

Summary:

HB 193 by Representative Hasner amends the statutory definition of hazing to include actions "for the purpose of, but not limited to initiation or admission into or affiliation with any

organization operating under the sanction of postsecondary institution.” The bill excludes from the definition of hazing customary athletic events or other similar contests or competitions. The bill provides that hazing does not include any activity or conduct which furthers a legal and legitimate objective. The bill also eliminates “forced calisthenics” from the definition of the term “hazing” to allow for ROTC and athletic training.

In addition the bill creates new criminal offenses specific to hazing at the high school or college level. This bill provides that it is a first degree misdemeanor to commit an act of hazing that creates a substantial risk of physical injury or death. The offense level increases to a third degree felony if the act of hazing actually results in serious bodily injury or death. A sentencing court may order the defendant to complete a 4-hour hazing education course and may also impose a condition of drug or alcohol probation. These new criminal offenses may not be construed to preclude prosecution for a more general offense resulting from the same criminal transaction or episode.

Under provision in this bill certain general defenses to a criminal action are not applicable to the crime of hazing. Notably, consent of the victim is not a defense to hazing. Also, whether or not the hazing was sanctioned or approved as an official organizational event is not a defense, nor is it a defense that the act was not done as a condition of membership of the organization.

HB 209 – by Barreiro

Administration of Medication to Public School Students: Defines the term "psychotropic medication"; prohibits a recipient of state funds from requiring a student to be prescribed or administered psychotropic medication as a condition of receipt of educational services financed by state funds; provides requirements for administration; requires notification to parents prior to evaluation of certain students for classification or placement as an exceptional student.

Summary:

HB 209 defines psychotropic medication and specifically prohibits recipients of state funds used for educational purposes from requiring a student to be prescribed or administered psychotropic medication as a condition of receiving educational services. The bill requires that such medication be administered by a licensed health care professional according to federal privacy protections. The bill also prohibits school or school district personnel from initiating or referring a student for diagnosis or treatment of specified mental disorders.

HB 227 - by Greenstein

Ms. Willie Ann Glenn Act; requires each district school board to develop plan to sponsor summer nutrition program; provides criteria for operating program sites; authorizes school boards to encourage not-for-profit entities to sponsor said program under certain circumstances; authorizes superintendent of schools to collaborate with specified agencies & private, not-for-profit leaders to implement said program, etc. EFFECTIVE DATE: 07/01/2005.

Summary:

HB 227 by Representative Greenstein creates the Ms. Willie Ann Glenn Act to require each school district to develop a plan (due May 1, 2006) for sponsoring summer food programs in the school district, subject to specific criteria. By summer of 2006, at least one summer food program must operate in each school district as follows:

- Within five miles of at least one elementary school at which 50 percent or more of the students are eligible for free or reduced-price school meals and for the duration of 35 consecutive days; and
- Except as provided in the preceding paragraph, within 10 miles of each elementary school at which 50 percent or more of the students are eligible for free or reduced-price school meals.

The bill also has provision for School Districts to opt out of providing such service, School boards opting for an exemption may encourage not-for-profit organizations to become sponsors. The bill holds school districts and the DOE harmless from liability if a not-for-profit sponsor fails to perform its sponsor obligations. Also, school districts are not required to continue the program if a not-for-profit entity chooses to sponsor the program but fails to perform.

There is a requirement for annual reporting to DOE. School Districts must annually report the program sites that comply with the requirements in the new section of law. For school districts to determine adequate coverage of need and placement of sites for the program, DOE must annually provide the districts with a list of local organizations that have filed letters of intent to participate. Any nonprofit organization may serve as a program site or sponsor.

HB 279 - by Grimsley

Students/Administering Epinephrine; cites act as "Kelsey Ryan Act"; authorizes certain K-12 students to self-administer epinephrine by auto-injector under certain circumstances; requires adoption of rules; provides for indemnification. Amends 1002.20. EFFECTIVE DATE: 01/01/2006.

Summary:

This bill would allow K-12 students who have or are at risk of life-threatening allergic reactions to carry epinephrine in an auto-injector and to self-administer epinephrine by auto-injector while at school, participating in school-sponsored activities, and while traveling to or from school or school-sponsored activities. Such students must provide the school with parental and physician authorization.

The Department of Health and the State Board of Education shall adopt rules regarding the use of epinephrine auto-injectors, including rules to provide for the safety of all students from the abuse or misuse of auto-injectors. The bill requires parents of students authorized to carry epinephrine autoinjectors to indemnify school districts, county health departments, public-private partners, and their employees and volunteers of any and all liability with regard to students' use of auto-injectors.

HB 281 by Sansom

School Districts/Paperwork Reduction; requires establishment of Paper Reduction Task Force & provides membership; requires recommendations to minimize paperwork burden placed on school districts & school district personnel; requires report to Legislature; provides for abolishment of task force. EFFECTIVE DATE: Upon becoming law. (5/10/2005 – Approved by Governor)

Summary:

The bill establishes the Paper Reduction Task Force. The task force shall consist of the Commissioner of Education, three members appointed by the President of the Senate, three

members appointed by the Speaker of the House of Representatives, three members appointed by the Governor, and three teachers appointed by the Commissioner of Education.

The task force will recommend strategies to reduce the paperwork required by the state of school districts and school district personnel, with special emphasis given to the reduction of paperwork required of teachers. The recommendations include but are not limited to eliminating, reducing, revising, or consolidating paperwork and data collection requirements. The members will also evaluate the need for information and determine whether access to necessary information is already available.

The task force shall report its findings and recommendations to the President of the Senate and the Speaker of the House of Representatives by February 1, 2006.

SB 360 – by Ways & Means Committee and Bennett

Infrastructure Planning & Funding: revises requirements for capital improvements element of comprehensive plan; requires incorporation of selected water supply projects in comprehensive plan; provides requirements for counties & municipalities re public school facilities element; revises requirements & criteria for establishing rural land stewardship area; allows municipalities in charter counties option to exercise exclusive land use planning authority, etc. EFFECTIVE DATE: 07/01/2005 except as otherwise provided.

Summary:

SB 360 includes changes included increasing coordination between school districts and local governments in the planning of educational facilities. The bill also makes changes relating to the public schools interlocal agreement. It eliminates language making it optional to include a process in the interlocal agreement that requires a school board to inform the local government of the effect of comprehensive plan amendments on school capacity. The bill revises the language providing an exemption for municipalities from the interlocal agreement requirement. The bill also amends s. 163.3180, F.S., to include schools in the list of infrastructure subject to the concurrency requirement on a statewide basis. Transportation facilities must be in place when the local government approves the commencement of construction of each stage or phase of a development or the facility must be under actual construction within 3 years of such approval. When establishing adequate level-of-service standards for arterial and collector roads, a local government must consider the roadway facility's adopted level-of-service standards in adjacent jurisdictions.

The bill encourages local governments to initially apply school concurrency on a district-wide basis. Within five years after the adoption of school concurrency, local governments are required to apply school concurrency on a less than district-wide basis.

The bill also requires adequate school facilities within 3 years of subdivision or site approval. It provides mitigation options for schools, including the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; or the creation of a mitigation bank for school construction in exchange for the sale of capacity credits. In addition to the mitigation provision, the developer is entitled to a credit as specified in s. 163.3180(13)(e)2., F.S. In addition to the bill requires a municipality that no longer meets the exemption criteria for a public schools interlocal agreement to enter into such agreement in order to fully participate in the school concurrency system.

SB 442 – by Bennett

Building Safety: requires that specified percentage of funds appropriated under Hurricane Loss Mitigation Program be used for education concerning Fla. Building Code & for operation of disaster contractors network; provides that Insurance Regulation Office make recommendations to insurance industry based on report re Hurricane Loss Mitigation Program by DCA; provides legislative intent re interpretation of said code, etc. Amends FS.

Summary:

SB 442 addresses a number of issues relating to the development and administration of the Florida Building Code (code) and related building safety requirements. The bill implements a number of changes including the following:

- Revises the distribution of funds for the Hurricane Loss Mitigation Program;
- Revises procedures governing the adoption and amendment of the Florida Building Code;
- Provides new procedures for binding review of building code decisions by local building officials;
- Clarifies provisions relating to truss placement plans and the code;
- Allows a fee owner's contractor, rather than only the fee owner, to use a private provider for building code inspection services;
- Eliminates the requirement that the private provider of code inspection services maintain comprehensive general liability insurance and increases professional liability insurance requirements;
- Restricts local governments' ability to use building code fee revenues for non-related activities;
- Exempts commission and hearing officer panels from APA rule requirements when reviewing decisions of local building officials;
- Revises the administration and operation of the Florida Building Code Training Program;
- Modifies provisions relating to the local product approval and evaluation process and includes the International Code Council Evaluation Service as an authorized product evaluation entity;
- Establishes an informal process for rendering non-binding interpretations of the Florida Fire Prevention Code;
- Provides a standard for the construction and retrofitting of doors and windows in essential facilities;
- Provides for the regulation of employees of fire suppression contractors who conduct inspections;
- Provides a standard for the installation, testing, and maintenance of fire hydrants and fire protection systems;
- Provides that cities and counties may not impose additional certification or licensure requirements for state certified electrical and alarm contractors;
- Provides that an application to a county or municipality for a site development plan, building permit, or other permit is deemed approved unless acted upon within 120 days, unless the applicant agrees to an extension.
- Directs the Florida Building Commission to update the Florida Building Code with the most recent and relevant design standards for wind resistance of buildings issued by the American Society of Civil Engineers (ASCE Standard 7).
- Appropriates \$200,000 from the Insurance Regulatory Trust Fund to the Department of Financial Services to develop a joint program between the Florida Insurance Council and the Florida Home Builders to educate builders on the benefits and options of designing buildings for windborne debris protection

- Instructs the commission to evaluate the definition of “exposure category C” in the Florida Building Code and make recommendations for changing the definition to the Legislature.
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SB 498 – by Wilson

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.

Summary:

SB 498 clarifies the requirements for seeking Special Immigrant Juvenile Status (SIJS) and lawful permanent residency for undocumented alien children who have been abused, neglected, or abandoned and who are under the jurisdiction of the court. It directs the Department of Children and Families (DCF) or a community-based care provider (CBC) to determine whether a child is a citizen of this country by the time of the first judicial review for the child. It provides guidance to DCF, community-based care provider, and the courts as to the findings necessary to support a petition for SIJS and an application for lawful permanent residency. It requires DCF or the community based care provider to seek SIJS status and permanent residency within 60 days after the entry of a court order determining that such action is in the best interest of the child. It allows the jurisdiction of the court to be extended for the sole purpose of permitting the continued consideration of the application and petition of the child, when the application and petition have been submitted prior to the child’s 18th birthday.

SB 574 – by Haridopolos

Official Fruit of Florida: designates orange as official fruit of State of Florida. Creates 15.0315. EFFECTIVE DATE: Upon becoming law.

Summary:

SB 574 which was proposed by a student in Floridas public school system designates the orange (*Citrus sinensis* and hybrids thereof) as the official state fruit.

Chapter 15, F.S. designates official state emblems. Currently, there are designations for a state tree, beverage, citrus archive, shell, stone, gem, wildflower, play, animal, freshwater fish, saltwater fish, marine mammal, saltwater mammal, butterfly, reptile, air fair, rodeo, festival, moving image center and archive, litter control symbol, pageant, opera program, renaissance festival, railroad museums, transportation museum, soil, fiddle contest, band, and sports hall of fame, this legislation adds the Orange as the states official fruit.

HB 579 – by Proctor

Acceleration Mechanisms: Adds programs to list of public school choice options; adds Advanced International Certificate of Education programs to acceleration mechanisms requiring postsecondary institution collaboration; revises list of courses designated as advanced level fine arts courses; provides an exemption from examination fees for students enrolled in the International General Certificate of Secondary Education Program; specifies that dual enrollment courses are creditable toward high school completion; revises instructional time

requirements and provides for FTE calculation; clarifies requirements for participation of independent postsecondary institutions in a dual enrollment program; provides for fee exemption; provides additional course weights for Florida Bright Futures Scholarship Program eligibility determination; revises Florida Academic Scholars award eligibility requirements to include students completing or receiving an Advanced International Certificate of Education curriculum or diploma; revises Florida Medallion Scholars award eligibility requirements to include students completing an Advanced International Certificate of Education curriculum; provides for FTE calculation for dual enrollment instruction.

Summary:

HB 579 relates to acceleration mechanisms including Advanced International Certificates of Education (AICE), International General Certificates of Secondary Education (pre-AICE), and dual enrollment. Both Advanced International Certificates of Education (AICE) and International General Certificates of Secondary Education (pre-AICE) are programs administered by Cambridge International Examinations, a part of the University of Cambridge. Dual enrollment is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward a career certificate or an associate or baccalaureate degree. The bill

- Recognizes the AICE and pre-AICE programs as acceleration mechanisms and updates the necessary statutory references
- Modifies Bright Futures Scholarship eligibility to treat AICE and pre-AICE courses similarly to IB and pre-IB courses
- Establishes the pre-AICE program by providing funding in the FEFP
- Addresses the instruction time required to generate funding in dual enrollment classes
- Clarifies that an independent college or university does not need to use the statewide course numbering system to participate in dual enrollment

SB 652 – by Sebesta

Public Construction Bonds; revises requirements for form used for public construction bonds; requires payment provisions of said bonds to be construed as statutory bonds; requires payment bond forms to reference notice & time limitation provisions. Amends 255.05 EFFECTIVE DATE: Upon becoming law.

Summary:

SB 652 amends the model bond form contained in s. 255.05(3), F.S., which may be used for public construction projects, to: (a) add a space for entry of a bond number; and (b) include language on the face of the bond stating that any action instituted by a claimant under the bond for payment must be in accordance with the notice and time limitation provisions contained in s. 255.05(2), F.S. Further, the committee substitute amends s. 255.05(4), F.S., to provide that the payment provisions of all public construction bonds are to be construed as statutory bonds that shall not under any circumstances be converted into common law bonds. For future public construction bonds, these amendments should eliminate an issue currently being considered by the Florida Supreme Court, which is whether the failure of a public construction bond to specifically reference the statutory notice and time limitations converts that bond into a common law bond.

HB 835 – by Detert

Wind-protection/Fla. Building Code; requires Fla. Building Commission to adopt certain wind protection requirements for areas of state not within high velocity hurricane zone; provides construction; provides for incorporation into Fla. Building Code of repeal of design option re internal pressure for buildings within windborne debris region; requires commission to review damage from Hurricane Ivan & make recommendations to Legislature for changes to said code, etc. APPROPRIATION: \$200,000. EFFECTIVE DATE: 07/01/2005.

Summary:

HB 835 directs the Florida Building Commission to update the Florida Building Code, within their existing rule making authority, with the most current edition of the wind protection requirements of the American Society of Civil Engineers (ASCE Standard 7). The bill also provides for the repeal of the current option of designing buildings to resist internal pressures when the Florida Building Commission adopts the standards and conditions of the International Building Code or International Residential Code prohibiting such design options.

There is appropriated for fiscal year 2005-2006 only, \$200,000 to the Department of Financial Services to develop a joint program between the Florida Insurance Council and the Florida Home Builders Association to educate builders on the benefits and options of designing buildings for windborne debris protection. The bill also requires the Commission and local building officials to evaluate the damage from Hurricane Ivan and make recommendations to the Legislature for changes to the Building Code as it relates to the region from the eastern border of Franklin County to the Florida-Alabama line. The bill instructs the Florida Building Commission to evaluate the definition of “exposure category C” in the Florida Building Code and make recommendations for changing the definition to the Legislature.

HB 841 by Attkisson, Coley

State Lottery/Public Education; provides for deposit of percentage of unclaimed prize money in Educational Enhancement Trust Fund; authorizes use of such funds subject to appropriations; revises provisions re allocation of revenues for public education; conforms provisions. Amends 24.115.,121, 1010.70. EFFECTIVE DATE: 07/01/2005.

Summary:

HB 821 by Representative Attkisson directs 80 percent of all unclaimed lottery prize money from on-line games to be deposited in the Educational Enhancement Trust Fund, and allows the remaining 20 percent be used in the prize pool to provide for future prizes or special prize promotions. Currently, all unclaimed prize money from on-line games is added to the prize pool to provide for future prizes or special prize promotions.

The bill authorizes the Department of Lottery to establish variable percentages for on-line games prize payouts and transfers to the EETF. The bill is expected to generate an additional \$31.1 million in FY 2005-06 and an additional \$80.1 million in FY 2006-07 for the Educational Enhancement Trust Fund.

SB 1090 – by Campbell

Minors/Psychotropic Medication; requires child's parent or legal guardian to provide certain information to CFS Dept.; specifies requirements for dept. re providing psychotropic medication to child in custody of dept.; defines term "psychotropic medication"; prohibits public school from denying student access to programs or services under certain conditions; authorizes refusal of psychological screening, etc. Amends Chs. 39, 394, 743.0645; creates 1006.0625. EFFECTIVE DATE: 07/01/2005

Summary:

SB 1090 amends s. 39.407, F.S., to specify requirements for DCF to follow with respect to providing psychotropic medications to a child who is in its custody.

These provisions address:

- Parental Consent for Treatment
- Information Provided to Evaluating Physician
- Continuation of Psychotropic Medications When Child Removed From Home
- Court Authorization to Provide Psychotropic Medications
- Hearing Requirements
- Exceptions
- Ongoing Judicial Review of Child on Psychotropic Medications
- Rule Development

The bill also addresses the administration of psychotropic medication and establishes prohibitions and conditions. It defines the term "psychotropic medication" and provides that a public school may not deny any student access to programs or services because the parent of the student has refused to place the student on psychotropic medication. The bill also provides that public school personnel may share school-based observations of a student's academic, functional, and behavioral performance with the student's parent and offer program options and other assistance that is available to the parent and the student based on the observations. A parent may refuse psychological screening of the student.

HB 1189 – by Jordan

Child's Education/Deceased Veteran; extends opportunity to receive postsecondary educational benefits at state expense to dependent children of certain dead or disabled veterans who were Florida residents when death or disability occurred; decreases minimum required length of parent's residency; provides educational opportunity at state expense for dependent children of military personnel who die or suffer specified disability in Operation Iraqi Freedom, etc. Amends Ch. 295. EFFECTIVE DATE: 07/01/2005.

Summary:

HB 1189 removes the requirement from existing statute that the deceased or disabled parent's of dependent children applying for the Scholarships for Children of Deceased or Disabled Veterans (CDDV) had to have been a Florida resident at the time that they entered the Armed Forces. This allows such parents to have entered the Armed Forces in any state. In addition, the deceased or disabled service member parent must have been a Florida resident for one year preceding the occurrence of the service-related death or disability. This bill makes a technical change regarding the language referring to sections of law to which the student beneficiaries of this program are subject. Nothing substantive changes as a result.

The bill adds Operation Iraqi Freedom to s. 295.0185, F.S., which establishes an exemption to certain requirements in s. 295.01, F.S., for children of deceased or totally disabled parents who

are serving in Operation Enduring Freedom (Afghanistan). This allows parents of children applying for the CDDV to forgo the 1 year residency requirement to be eligible for the scholarship program; however, the children are still required to meet residency requirements for student financial aid in s. 1009.40, F.S. This bill also amends s. 295.02, F.S., regarding funds appropriated to cover tuition, registration, rent, and books for children of deceased or disabled veterans, by adding s. 295.0185, F.S., to the list.

SB 1338 – by Pruitt

Revises Florida Statutes (Revisers Bill); repeals specified provisions, all of which provisions have become inoperative by noncurrent repeal or expiration &, pursuant to s. 11.242(5)(b) & (i), may be omitted from Florida Statutes 2005 only through reviser's bill duly enacted by Legislature; repeals specified provision to confirm October 2, 2004, repeal of exemption in accordance with Open Government Sunset Review Act of 1995, etc. Repeals & Amends FS. EFFECTIVE DATE: 60 days after sine die (4/05/2005 – Approved by Governor – Chapter No. 2005-3)

Summary:

Under existing law the Division of Statutory Revision of the Office of Legislative Services is required, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills. A reviser's bill cannot be amended except to delete a bill section.

Specific changes impacting Education:

SB 1388 substantially amends or repeals the following sections of the Florida Statutes;

- Sec. 1004.225, F.S. – Florida Technology Development Act and
 - Sec. 1010.87, F.S. - Workers' Compensation Administration Trust Fund within the Department of Education.
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HB 1377 – Ryan

Ethics/Public Officers & Employees; revises term "employee" & defines term "governmental entity"; authorizes governmental entities, by ordinance, contract agreement, or other documentation, to participate in deferred compensation plan of state & specifies responsibility of Chief Financial Officer re thereto; revises prohibition on lobbying by former local officers to preclude representation before government body or agency officer has served, etc. Amends FS. EFFECTIVE DATE: 10/01/2005.

Summary:

HB 1377 clarifies and revises portions of the ethics code of the state of Florida, and provides for additional restrictions on the conduct of current and former government employees and elected officials. In addition the bill:

- Prohibits government employees from working in political campaigns while on duty.
- Allows Select Exempt employees, transferred from Career Service under Service First, to lobby their former agency immediately upon termination, instead of having to wait two

years; however, no former employee may immediately lobby on a matter in which the employee participated while employed by a government agency.

- Changes the method for disclosing assets and liabilities.
- Requires disclosure of gifts by those leaving employment by July 1; a postmark by midnight on the due date constitutes a timely filed disclosure.
- Allows the Attorney General to file suit to recoup agency costs for collecting penalties.
- Allows unemployed state employees to work for the private entity who assumes the employees' former duties.
- Clarifies the Commission on Ethics (Commission) rule-making authority specifying that lobbyists may appeal fines resulting from untimely filings of expense reports.
- Suspends a lobbyist's registration if the lobbyist fails to pay a fine, until the fine is paid or waived.

SB 1446 – by Argenziano

Public Employee Optional Retirement; clarifies that State Administration Board may require that member of FRS provide evidence of termination; provides that member of Public Employee Optional Retirement Program may not return to employment with an employer under FRS until after being terminated for 3 calendar months; changes requirements of DMS's designation of fifth company to provide services under state university optional retirement program, etc. Amends Ch. 121, 215.47. EFFECTIVE DATE: 07/01/2005.

Summary:

SB 1446 makes changes to the administration of the Public Employees Optional Retirement Program (PEORP) in the Florida Retirement System administered by the State Board of Administration (SBA). The changes affect the manner in which benefits are paid and received, beneficiaries are designated, and uncashed checks on account balance transfers are processed. The bill places additional conditions on the reemployment of retired Investment Plan participants consistent with federal tax law and also expands the authority of the board to invest in additional forms of asset-backed securities.

SB 1494 – by Argenziano

Information Technology Management; provides legislative intent that each state agency use governance process & structure for managing its IT operations & investments in order to ensure alignment with business needs & policy requirements of agency; renames office within DMS; revises duties of Technology Resource Center; creates Fla. Technology Council within DMS; deletes provisions assigning responsibility for information resources management to State Tech. Office, etc. Amends FS. APPROPRIATION: \$1,200,000. EFFECTIVE DATE: 07/01/2005.

Summary:

Under SB 1494 the current State Technology Office (STO) is rebranded as the Florida Technology Council (FTC) and is transformed into a strategic policy organization. Its previous operating duties in wireless communications, SUNCOM, and data center management are transferred back to the Department of Management Services, where they were located prior to the creation of the STO. The FTC is given increased authority to engage the state agencies in dedicated project management and investment control to discipline agency technology budgets and expenditures and improve accountability. The rebranded STO will still be organizationally located in DMS.

SB 1494 also requires each affected agency to develop an internal technology governance process to discipline the execution of its technology investment. The process of governance and accountability applies to agency technology activities and is scaled in sophistication based upon increasing state budgetary investment.

SB 1678 – by Alexander

Public School Class Size; revises provisions re 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. Amends 1003.03. EFFECTIVE DATE: 07/01/2005.

Summary:

SB 1678 clarifies how the calculation to determine whether a school district is in compliance with the average class size requirements specified in section 1003.03 (2), F.S. is to be made. Should a district have unexpected student enrollment growth, resulting in an actual enrollment that is above the student membership estimate included in the Florida Education Finance Program first calculation, the excess number of students shall be excluded when a district's compliance calculation is made.

Beginning in the 2005-2006 school year, the bill allows a district that did not meet the required average class size reduction in a prior year, and which had funds transferred from the district's class size reduction operating categorical to an approved capital outlay appropriation, to be eligible to reverse the transfer if the district fully (cumulatively) achieves the required class size reduction in the subsequent year.

HB 1695 - by PreK-12 , Arza

Voluntary Pre-K Education Program; creates exemption from public records requirements for individual records of children enrolled in Voluntary Prekindergarten Education Program; provides for retroactive application; provides for exceptions to exemption; provides for future review & repeal; provides statement of public necessity. Creates 1002.72. EFFECTIVE DATE: Upon becoming law.

Summary:

HB 1695I creates a public records exemption for the individual records of a child enrolled in the Voluntary Prekindergarten (VPK) Education Program. Records made confidential and exempt include the assessment data, health data, records of teacher observations, and personal identifying information of an enrolled child and his or her parent. The exemption applies to records held by an early learning coalition, the Agency for Workforce Innovation, or a VPK Education Program provider before, on, or after the effective date of the exemption.

The bill provides a parent the right to inspect, review and obtain a copy of the individual VPK Education Program record of his or her child. The bill allows the release of confidential and exempt records for certain purposes to specified parties. The receiving party is required to protect the records in a manner that does not permit the identification of an enrolled child or his or her parent by persons not authorized to receive the records.

HB 1723 – by Simmons

Initiatives/60 Percent of Electors; constitutional amendment to require that any proposed amendment to or revision of State Constitution, whether proposed by Legislature, by initiative, or by any other method, must be approved by at least 60 percent of voters of state voting on measure, rather than by simple majority, etc. Amends s. 5, Art. XI.

Summary:

HJR 1723 changes the voting threshold necessary for the adoption of a constitutional amendment or revision to the Florida Constitution. The joint resolution, if approved by voters, would require at least sixty percent of those electors voting on the measure to approve any future amendment or revision. The joint resolution applies to any proposed constitutional amendment or revision, regardless of the source of the proposal. The present threshold for approval of a proposed amendment or revision, other than one proposing a new tax or fee, is a simple majority of those voting on the proposal.

This joint resolution does not appear to have any fiscal impact on state or local government other than those costs related to placing the joint resolution on the ballot and publishing required notices. The Department of State estimates non-recurring costs of approximately \$37,000 for FY 2006-07.

The joint resolution does not contain a specific effective date. Therefore, if adopted by the voters, it will take effect January 2, 2007.

HB 1725 - by Economic Development, Trade & Banking, Farkas,

Fla. Enterprise Zone Act; revises procedures for counties or municipalities to nominate area for designation as new enterprise zone; removes authority for certain counties to nominate more than one enterprise zone; specifies application of enterprise zone development plan requirements only to designations of new enterprise zones; establishes maximum number of enterprise zones allowed, subject to any new zones authorized by Legislature, etc.

Summary:

HB 1725 reenacts and extends the Florida Enterprise Zone program, and it's related various state and local enterprise zone incentives, until 2015. Additionally, this proposed committee bill:

- Caps the number of enterprise zones at the current number (55) unless the Legislature authorizes new zones.
- Requires redesignation of existing enterprise zones, establishes a procedure for the designation of new zones (if an existing zone is not redesignated), and establishes a more flexible procedure for zone boundary changes; and
- Requires additional reporting requirements by enterprise zones.

The bill provides and offers extension of Enterprise Zone Act Tax Incentives which include:

- Building Materials Tax Incentive
 - Enterprise Zone Jobs Tax Credit
 - Enterprise Zone Jobs Credit Against Corporate Income Tax
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HB 1861 by Governmental Operations

School Readiness Records/OGSR; (OPEN GOVERNMENT SUNSET REVIEW) amends provision which provides public records exemption for specified records of children enrolled in school readiness programs; removes October 2, 2005, repeal thereof scheduled under Open Government Sunset Review Act; makes editorial changes. Amends 411.011. EFFECTIVE DATE: 10/01/2005.

Summary:

The bill reenacts the public records exemption for the individual records of a child enrolled in a school readiness program, which will repeal on October 2, 2005, if this bill does not become law. It also makes editorial and conforming changes.

HB 1877 - Relating to Jessica Lunsford Act – 2005 by Criminal Justice, Rep. Dean & Rice

Jessica Lunsford Act; creates Jessica Lunsford Act; revises sexual predator criteria; requires twice yearly reregistration by sexual predators; provides criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false info. about sexual predator, & harboring or concealing sexual predator; requires electronic monitoring for certain offenders placed on conditional release supervision, etc. Amends FS. APPROPRIATION: \$11,949,689. EFFECTIVE DATE: 09/01/2005. (5/2/2005 – Approved by Governor, Chapter No. 2005-25)

Summary:

Specific changes impacting Education:

Section 21:

1012.465 Background screening requirements for certain noninstructional school district employees and contractors.--

(1) Noninstr`uctional school district employees or contractual personnel who are permitted access on school grounds when students are present, who have direct contact with students or who have access to or control of school funds must meet level 2 screening requirements as described in s. 1012.32. Contractual personnel shall include any vendor, individual, or entity under contract with the school board.

SB 2144 – by Atwater

State Budget Planning & Spending; constitutional amendment to limit amount of nonrecurring general revenue which may be appropriated for recurring purposes in any fiscal year to 3 percent of total general revenue funds estimated to be available, unless otherwise approved by three-fifths vote of Legislature; to establish Joint Legislative Budget Commission, which shall issue long-range financial outlooks, etc. Amends s. 19, Art. III.

Summary:

SB 2144 puts before the voters at the next general election proposed changes to Section 19 of Article III of the State Constitution. Specifically it proposes to:

- Limit the amount of non-recurring general revenue that may be used to fund the recurring costs of state programs to 3 percent of total general revenue (for fiscal year 2005-2006 this would be approximately \$800 million). This limitation may be waived by a 3/5 vote of the Legislature.

- Require the Joint Legislative Budget Commission to issue a long-range financial outlook, which will establish fiscal strategies, including workload and revenue estimates. Agency legislative budget requests will be required to be based upon and reflect the long-range financial outlook.
 - Establish the Joint Legislative Budget Commission in the Florida Constitution to operate essentially as it does now. Additional powers and duties may be specified in law or joint rule. The Joint Legislative Budget Commission will be required to seek input from the public and from state agencies and departments when developing and implementing the long-range financial outlook.
 - Create a Government Efficiency Task Force in 2007, and every 4 years thereafter, composed of legislators and private sector appointees, to make recommendations to improve government and reduce costs.
 - Require state planning to be long-range (and updated every 2 years as is done now), with statewide strategic goals and objectives, and to be consistent with the long-range financial outlook.
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SB 2268 by Fasano

Athletic Trainers; revises requirements for licensure as athletic trainer; revises criteria for continuing education in athletic training; provides that person who practices said training without holding active license commits first-degree misdemeanor regardless of whether person receives compensation; provides that person employed as apprentice trainer or athletic trainer is not exempt from specified provisions, etc. Amends Ch. 468, 1012.46. EFFECTIVE DATE: Upon becoming law.

Summary:

SB 2268 revises the licensure and license renewal requirements for athletic trainers. The bill revises the violations and penalties relating to practicing athletic training so that it would be a misdemeanor of the first-degree for a person to practice athletic training without holding an active license to practice or an exemption to the athletic training practice act, regardless of whether or not there is compensation. An exemption to the athletic training practice act for a person employed as a teacher apprentice trainer I, a teacher apprentice trainer II, or a teacher athletic trainer under s. 1012.46, F.S., is deleted.

The bill revises provisions that authorize a school district to establish and implement an athletic injuries prevention and treatment program, which includes specified employment classification and advancement schemes for a “first responder” and a “teacher athletic trainer,” to delete references to “first responders” and “teacher athletic trainers.” The school district employment classification and advancement scheme is revised to specify that to qualify as an “athletic trainer,” rather than a “teacher athletic trainer,” a person must be licensed as an athletic trainer and may possess a professional, temporary, part-time, adjunct, or substitute teaching certificate.

SB 2550 - by Wise

Assistive Technology Device/Services; requires interagency agreements to ensure that assistive technology devices be retained for use by person with disabilities as he or she makes certain transitions. Creates 1003.575. EFFECTIVE DATE: 07/01/2005.

Summary:

SB 2550 requires interagency agreements for assistive technology devices for individuals with disabilities. The committee substitute delineates the parties to these agreements, including the Voluntary Pre-kindergarten Education Program and entities within the Department of Health and the Department of Education. One of the purposes of the agreements is to ensure that individuals with disabilities who are given assistive technology devices may retain these devices as they transition through the home, educational system, employment, and independent living. A request to retain an assistive technology device for use during transitions must be made to the owner by the individual or his or her parent or guardian.

There were several education issues that were expected to pass and be of great interest and have great impact on local Districts. Many of these **failed** to pass.

Among the most important failed pieces of legislation were:

Class size issue- The Governor wished to have this issue revisited by the voters to change the level at which districts would be held accountable. The accountability level would be the district average class size, not the individual classroom level as current law requires.

Teacher Salaries- This issue centered upon a starting salary for teachers of \$35,000. There was proposed language to increase the salaries over time to guarantee that these salaries be at least at the national average. This issue was tied to the class size issue.

Voucher Expansion- This issue was tied to two programs, one centering on low performing students that attended non-low performing schools and the other focusing on the children of military families.

High School and Middle School Reform- These issues focused on making Middle Schools have a focused mission of preparing students for High School, and increasing the emphasis on improving the reading skills of High School and Middle School students.

Alternative School Reporting- A change was proposed to allow alternative schools to report learning gains in place of the school grade used in reporting to the public.

Residential ESE Costs- Under this proposed change, the costs associated with the placement of an ESE student in residential facilities would lie with the state where the student's parents were residents.

FCAT-Changes were proposed which would delay the administration of the FCAT as late in the school year as possible and would also allow the public to see copies of actual scored FCAT items.

School Leader Training- The Senate proposed a program called DELTA, (Developing Educational Leaders for Tomorrows Achievers) and the House developed a program called the Golden Academy of School Leadership. Both of these programs provided for Principal and Assistant Principal training as well as salary incentives.

Collective Bargaining- Collective Bargaining contracts by each district would annually be posted on-line by the DOE. Also there was a statement “no provision of collective bargaining may preclude a school district from assigning high-quality teachers to teach in low-performing schools.”