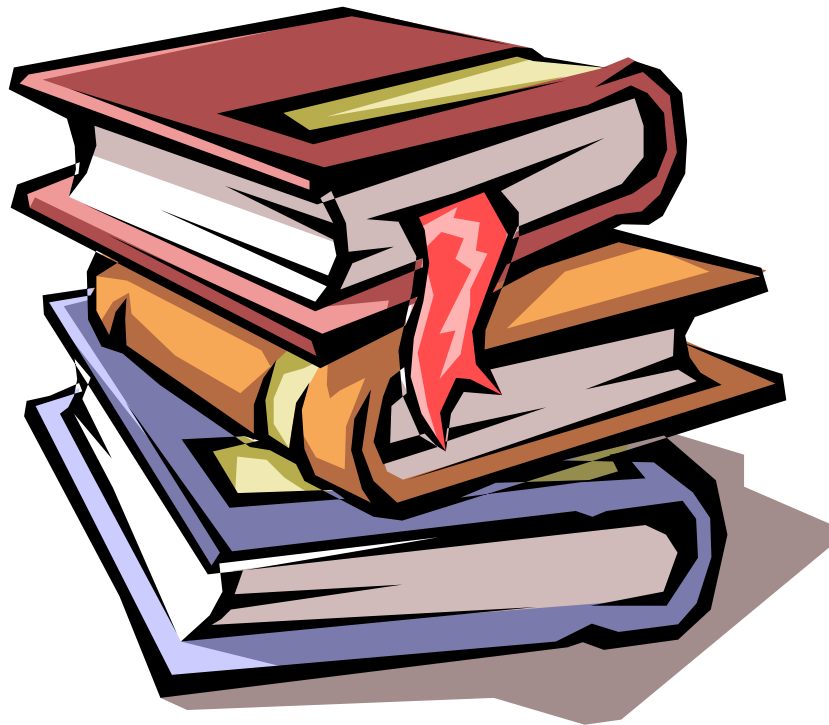


# Legislative Review 2002



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**Secretary Jim Horne**

**Florida Department of Education**  
[www.myfloridaeducation.com](http://www.myfloridaeducation.com)  
**Commissioner Charlie Crist**

**Florida Board of Education/Department of Education**

## **Legislative Review 2002**

The 2002 Legislature met in Tallahassee from January 22<sup>nd</sup> through March 22<sup>nd</sup>. During this time, a number of bills relating to education were passed and sent to the Governor. In order to inform educators, parents and the community as rapidly as possible, this summary was prepared based on available information.

There are two Tables of Contents. The first lists each bill by subject area; the second lists each bill numerically by its final bill number. Every effort has been made to ensure the accuracy of content. If questions arise regarding a particular bill, the final enrolled version of the bill should be referred to. Most bills were still under review by the Governor at the time this document was prepared. For updated action on any bill listed in this review, please refer to the Florida Legislature's web site, Online Sunshine, at the following Internet address:

[www.leg.state.fl.us](http://www.leg.state.fl.us)

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June 17, 2002

Dear Friends:

During the 2002 Special Session "E" the Florida Legislature passed the School Code rewrite and the budget. As promised an updated Legislative Review 2002 is being made available to you.

Legislative actions affecting education are explained in this detailed review. Both the School Code rewrite and the Budget can be located under the Addendum section.

We hope it proves to be useful and informative.

Sincerely,

Sincerely,

Handwritten signature of Charlie Crist in black ink.

Charlie Crist  
Commissioner of Education

Handwritten signature of Jim Horne in black ink.

Jim Horne  
Secretary of Education

**Charlie Crist**  
COMMISSIONER  
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**BUDGET/TAX**

**HB 165: Ad Valorem Tax/Disabled Ex-Service**

**Effective Date:** January 1, 2003

**Key Contact:** Larry Taylor  
(850) 921-5910 Ext 210  
[taylola@vr.doe.state.fl.us](mailto:taylola@vr.doe.state.fl.us)

**Summary:**

This bill increases from \$500 to \$5,000 the property tax exemption for any ex-service member, a bona fide resident of the state, who has been disabled to a degree of 10 percent or more while serving during a period of wartime service as defined in s. 1.01(14), Florida Statutes, or by misfortune.

**Summary by Bill Section (when applicable):**

**Section 1** - Amends s. 196.24, Florida Statutes. Rewords the exemption for a disabled ex-service member and increases from \$500 to \$5,000 the exemption on property.

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**CS/CS/HB 833: Tax Exemptions**

**Effective Date:** Upon approval by electorate at next general election or at earlier special election

**Key Contact:** David Morris  
(850) 410-1460  
[morrisd@mail.doe.state.fl.us](mailto:morrisd@mail.doe.state.fl.us)

**Summary:**

This joint resolution proposes an amendment to Article VII, Section 3, of the State Constitution creating a joint legislative committee to conduct a review of all exemptions to state taxation of sales, use, other transactions, and exclusions of sales of services from such taxation. The committee would be composed of six senators appointed by the President of the Senate and six representatives appointed by the Speaker of the House. Rules governing committee operations must be adopted by the Legislature no later than the 2003 regular session. These rules are to provide a schedule for review of exemptions and exclusions over a three-year period and provide criteria to be considered.

No later than March 1, of 2004, 2005, and 2006, the committee shall submit its findings and recommendations to the presiding officer of each house of the Legislature. Any decision to de-authorize an exemption or exclusion must be approved by seven members of the committee and shall be in the form of a resolution to be submitted to the Legislature. The committee resolution shall specify the necessary changes to statutes and shall have the force of law, effective July 1, following the second regular session occurring after submission to the Legislature. The Legislature may, by joint resolution, rescind those exemptions or exclusions prior to that date.

The committee does not prohibit the Legislature from subsequently re-enacting by law any exemption or exclusion de-authorized.

---

**CS/CS/SB 1360: Property Tax Administration**

**Effective Date:** January 1, 2003

**Key Contact:** Link Jarrett  
(850) 488-6303  
[jarretl@mail.doe.state.fl.us](mailto:jarretl@mail.doe.state.fl.us)

**Summary:**

Amends sections of law in Chapter 192, Florida Statutes, related to taxpayers' rights and procedures to be followed to appeal the assessment of property by a property appraiser. Indirect effect upon public school operating and capital outlay funds; a sizable portion of which are derived from ad valorem property taxes.

**Summary by Bill Section (where applicable):**

**Section 1** - Adds paragraph (k) to s. 192.0105(1), Florida Statutes; the Taxpayers Bill of Rights, which states that “the right to have certain taxes and special assessments levied by special districts individually stated on the 'Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments’” (see 200.069 Florida Statutes.).

**Section 7** - Amends s. 200.069, Florida Statutes. Notice of proposed property taxes and non-ad valorem assessments, giving greater flexibility to the Department of Revenue to grant flexibility to county officials in the spacing and placement of listed columns on the form, but flexibility is not granted for the elements to be included on the form.

**Section 11** - Amends s. 196.161, Florida Statutes. Method of Fixing Millage, permits the property appraiser to correct an error only for the date and time of the notice of public hearings by advertising in a newspaper of general circulation.

**Sections 12 & 13** - Amends the law related to the State Housing Tax Credit Program. An amendment to s. 4240.5099(5), Florida Statutes, excludes the costs paid for by tax credits nor the costs paid for by additional financing proceeds received because the property is in the program from the assessed valuation. Legislative analysis estimated the fiscal impact of the exclusion on local government revenue to be \$3.3 million in 2003-04.

**Section 16** - Creates s. 197.1722, Florida Statutes, which applies to real property, taxes due for the 2001-tax year only. The law authorizes the tax collector to extend the date of tax certificates sales by 30 days and may waive the 3-percent minimum mandatory charges and an additional 30 days' interest for taxpayers who demonstrate an inability to pay arising from contraction in business income of 25 percent or more in the 6-month period commencing September 2001, as compared to the same period in 2000.

**Section 17** - Appropriates \$45,000 from the general revenue fund to the Department of Revenue to reimburse counties for the cost of using special masters for Value Adjustment Board (VAB) proceedings in counties with a population of 75,000 or less as provided by an amendment to Section 194.035, Florida Statutes., in this law.

**DISABLED**

**CS/HB 245:** **Road-to-Independence Act of 2002**

**Effective Date:** October 1, 2002

**Key Contact:** Mary Jo Butler  
(850) 488-6726  
[butlerm@mail.doe.state.fl.us](mailto:butlerm@mail.doe.state.fl.us)

**Summary:**

This bill creates the Road-to-Independence Act to provide transition to self-sufficiency as a goal for older children who are likely to remain in foster care until 18 years of age. It directs the Department of Children and Family Services to administer a system of independent living transition services and provides for the use of state foster care or federal funds to establish a continuum of independent living transition services. The bill enhances integration and access to services that provide life management, employment and education skills that teens need for a successful transition from foster care to young adulthood, and enables teens in foster care to participate in, and learn from, real life activities. It establishes an overall framework for the continuum of independent living transition services. It also updates current statutes for consistency with federal law and department practices and defines current continuum of services to include preparation beginning at age 13, independent living services from ages 16 through 20, and aftercare services when older children leave foster care. The bill establishes an independent living services integration workgroup and identifies its membership and duties.

**Summary by Bill Section (where applicable):**

**Section 3** - Creates s. 409.1451, Florida Statutes, to require the Secretary of Children and Family Services to establish an independent living services integration workgroup, including representatives from the Department of Children and Family Services, the Agency for Workforce Innovation, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, Workforce Florida, Inc., and foster parents.

Requires the workgroup to assess barriers to the effective and efficient integration of services and support across systems for the transition of older children in foster care to independent living.

Requires the workgroup to recommend methods to overcome these barriers and to ensure that the state plan for federal funding for the independent living transition services includes these recommendations.

Requires a report to appropriate legislative committees of the House of Representatives and the Senate by December 31, 2002.

**Section 11** - Provides an effective date of October 1, 2002

**CS/CS/HB 295:        Personal Care Attendant/Spinal Cord Injuries**

**Effective Date:**        July 1, 2002

**Key Contact:**            Larry Taylor  
                                  (850) 921-5910 Ext 210  
                                  [taylola@vr.doe.state.fl.us](mailto:taylola@vr.doe.state.fl.us)

**Summary:**

This bill creates a collaborative effort among the Department of Health (DOH) Brain and Spinal Cord Injury Program (BSCIP), the Department of Education's Division of Vocational Rehabilitation (VR), the Florida Endowment Foundation for Vocational Rehabilitation (known as the ABLE Trust), the Department of Revenue (DOR), the Florida Prosecuting Attorney's Association, and Florida's non-profit Centers for Independent Living.

The bill provides for the development and implementation of a pilot program to train individuals to become personal care attendants (PCA) for persons with traumatic spinal cord injuries, and to train those injured individuals to work with a PCA. Individuals with disabilities identified to participate in the pilot program will live in a nursing home, or have recently left the nursing home under the auspices of a Medicaid home and community-based waiver. This program is funded from revenues generated from the implementation of tax collection enforcement diversion pilot programs, in Duval County and four other pilot counties.

The bill provides an appropriation of \$250,000 from the Brain and Spinal Cord Injury Trust Fund in the Department of Health to the ABLE Trust for initial start-up funding for the pilot programs. The funds are to be repaid to the Brain and Spinal Cord Injury Trust Fund from revenues generated from the tax collection enforcement diversion pilot program.

**Summary by Bill Section (where applicable):**

**Section 1** - Creates s. 413.402, Florida Statutes; the Personal care attendant pilot program. Calls for the Florida Association of Centers for Independent Living (FACIL) to create a collaborative effort among the Department of Health (DOH) Brain and Spinal Cord Injury Program (BSCIP), the Department of Education's Division of Vocational Rehabilitation (VR), the Florida Endowment Foundation for Vocational Rehabilitation (known as the ABLE Trust), the Department of Revenue (DOR), the Florida Prosecuting Attorney's Association, and Florida's non-profit Centers for Independent Living, to develop a pilot program to provide personal care attendants to persons who are eligible pursuant to subsection (1). Sets forth parameters for memoranda of understanding with the other partners, and defines persons eligible to participate in the program. Also calls for the FACIL to develop a training program for persons selected to participate in the pilot program to learn to manage their own personal care attendant.

In addition, this section calls for the development of a program to recruit, screen and select candidates to be trained as personal care attendants, allows the use of the services of a licensed nurse registry for recruiting and screening; working with the Florida Endowment Foundation for Vocational Rehabilitation, will develop a training program for personal care attendants; shall establish procedures for selecting persons eligible under subsection (1) to participate in the pilot program; works with the Division of Vocational Rehabilitation of the Department of Education to assess the selected participants and make recommendations for their placement into appropriate work-related training programs; and, in cooperation with the DOR, BSCIP, the Florida Medicaid program in the Agency for Health Care Administration, a representative from the state attorney's office in each of the participating counties, the Florida Endowment for Vocational Rehabilitation, and the Division of Vocational Rehabilitation of the Department of Education to develop a plan for implementation of the pilot program.

No later than March 1, 2003, the implementation plan for the pilot program, a timeline for implementation, estimates of the number of participants to be served will be presented to the President of the Senate and the Speaker of the House of Representatives. The pilot program shall be implemented beginning July 1, 2003, unless there is specific legislative action to the contrary.

**Section 2** - Calls for the Department of Revenue, in cooperation with the FACIL and the Florida Prosecuting Attorneys Association to select four counties, in addition to Duval County, in which to operate the pilot program. The FACIL and the state attorneys offices of each of the pilot counties are to implement a tax collection enforcement diversion program, and require the criteria for referral to the tax collection diversion program to be determined cooperatively between the state attorneys' offices in those pilot counties and the DOR.

Calls for 25 percent of the revenues collected from the tax collection enforcement diversion program to be deposited into the operating account of the Florida Endowment Foundation for Vocational Rehabilitation for use in the pilot program. Requires that the pilot program operate only from funds deposited into the operating account. Further, calls for the Revenue Estimating Conference to annually project the amount of funds expected to be generated from the tax collection enforcement diversion program.

**Section 3** - Appropriates from the Brain and Spinal Cord Injury Program Trust Fund to the Florida Endowment Foundation for Vocational Rehabilitation \$250,000 for fiscal year 2002-2003 for development of the personal care attendant pilot program. This amount will be repaid from the tax revenue collected from the pilot counties.

**Section 4** - Provides an effective date of July 1, 2002.



**HB 561: Disabled Parking Permits**

**Effective Date:** July 1, 2002

**Key Contact:** Larry Taylor  
(850) 921-5910 Ext 210  
[taylola@vr.doe.state.fl.us](mailto:taylola@vr.doe.state.fl.us)

**Summary:**

This bill expands the class of medical personnel who are authorized to certify a person as disabled for the purposes of proving eligibility for a disabled parking permit. An advanced registered nurse practitioner working in a facility operated by the U.S. Department of Veterans Affairs, or a physician assistant is now eligible to make this disability determination.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends s. 320.0848, Florida Statutes, by adding advanced registered nurse practitioner and physician assistant to the medical personnel who can certify a person as disabled and therefore eligible for a disabled parking permit.

**Section 2** - Provides an effective date of July 1, 2002

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**CS/SB 1178: Temporary Parking Permits/Disabled Persons**

**Effective Date:** July 1, 2002

**Key Contact:** Dr. J.R. Harding  
(850) 921-5910 Ext 123  
[hardinj@vr.doe.state.fl.us](mailto:hardinj@vr.doe.state.fl.us)

**Summary:**

This bill revises provisions related to the amount of time a temporary disabled parking permit can be in effect.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends s. 320.0848, Florida Statutes, to change the amount of time a temporary parking permit is in effect from 1 year to 6 months. Further, this section establishes that no person will be required to pay a fee for a parking permit for a disabled person more than once in a 12-month period.

**Section 2** - Provides an effective date of July 1, 2002

**HB 1819: Guide Dogs/Service Animals**

**Effective Date:** July 1, 2002

**Key Contact:** Kurt Ponchak  
488-1330 Ext 152  
[Kurt.Ponchak@dbs.doe.state.fl.us](mailto:Kurt.Ponchak@dbs.doe.state.fl.us)

**Summary:**

HB 1819 creates three new criminal penalties associated with harassing guide dogs and service animals as well as includes seizure-alert and seizure-response dogs in this law.

**Summary by Bill Section (where applicable):**

**Section 2 -** Sets penalties for offenses.

- 2nd degree misdemeanor: anyone who, with reckless disregard, interferes or permits a dog that he owns or is in the immediate control of, to interfere with the use of a guide dog or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the animal or its user
- 1st degree misdemeanor: anyone who, with reckless disregard, injures or kills, or permits a dog that he owns or is in immediate control of, to injure or kill, a guide dog or service animal;
- 3rd degree felony: any person who intentionally injures or kills, or permits a dog that he owns or is in immediate control of, to injure or kill a guide dog or service animal.

The bill also requires individuals who are convicted of the above offenses to make full restitution for all damages that arise out of, or are related to, the offense. The bill states that, for purposes of this section, restitution shall include:

- the value of the animal
- replacement and training or retraining expenses for the animal and the user
- veterinary and other medical and boarding expenses for the animal
- medical expenses for the user
- lost wages or income incurred by the user during any period that the user is without the services of such animal.

**Section 3 -** Section 413.08, Florida Statutes, is amended to read: (b) Every deaf or hard of hearing person, totally or partially blind person, person who is subject to epilepsy or other such seizure disorders, or physically disabled person has the right to be accompanied by a dog guide or service dog, specially trained for the purpose, in any of the places listed in paragraph (a) without being required to pay an extra charge for the

dog guide or service dog; however, such a person is liable for any damage done to the premises or facilities by such a dog. The dog guide or service dog must be capable of being properly identified as being from a recognized school for seeing-eye dogs, hearing-ear dogs, service dogs, including, but not limited to, seizure-alert and seizure-response dogs, or guide dogs.

Although the penalties for harming or killing a guide dog are similar to the penalties for harming or killing other animals, HB 1819 specifically provides for the payment of restitution (including the costs for remedial training or replacement of the guide dog or service animal, and lost wages or income incurred by the handler) based on the violations. Current statutes do not directly mention restitution when an animal is killed.

Currently, there is no comparable statute that criminalizes “interfering” or “obstructing” any other animal, including the statutes that address police dogs, fire dogs, and search and rescue dogs.

# **ECONOMIC DEVELOPMENT**

**CS/SB 688:**           **Spaceport Florida Authority**

**Effective Date:**       Upon Becoming Law

**Key Contact:**           Cynthia J. Smith  
                                  (850) 201-7190  
                                  [cynthia.smith@fldcu.org](mailto:cynthia.smith@fldcu.org)

**Summary:**

The bill changes the name of the Spaceport Florida Authority to the Florida Space Authority. It defines the term "Spaceport Florida." It revises the boundaries of spaceport territory. It revises the membership of and procedures related to the board of supervisors. It designates the Lieutenant Governor as the chair of the board of supervisors and as the state's space policy leader. It changes the fiscal year of the authority. It revises the membership, mission, administration, and reporting requirements of the Spaceport Management Council and its executive board. It deletes obsolete provisions.

**Summary by Bill Section (where applicable):**

**Section 11** - Amends s. 331.302, Florida Statutes, to change the name to Florida Space Authority. The educational interest in this section pertains to the Florida Space Authority's "purpose, function, and responsibility to provide projects in the state that will develop and improve the entrepreneurial atmosphere, to provide coordination among space businesses, Florida universities, space tourism, and the Spaceport Florida launch centers" (not new or revised provisions).

**Section 18** - Amends s. 331.367, Florida Statutes. The Spaceport Management Council is newly authorized to provide coordination specifically "between government agencies and commercial operators" for the purpose of developing recommendations on projects and activities to increase the operability and capabilities of Florida's space launch facilities, increase statewide space-related industry and opportunities, and promote space education, research and technology development. The Spaceport Management Council is newly authorized to act specifically "in consultation with the Florida Space Research Institute" to develop and expand space-related education and research "facilities" (newly added) and programs. This authorization continues to have the Council provide its recommendations to the State University System, the Division of Community Colleges, and the Department of Education. A new provision is that the Council's recommendations are to be provided to the Governor and Lieutenant Governor with copies to the Secretary of Transportation, the director of the Office of Tourism, Trade, and Economic Development, the associate administrator for Space Transportation in the United States Department of Transportation, the administrator of the National Aeronautics and Space Administration, the Deputy Assistant Secretary of the Air Force for Space Plans and Policy, and the ex-officio nonvoting council members of the Senate and the House of Representatives. Membership on the Council is revised, but does not include any education sector representation

**CS/SB 1844:**           **Economic Development/Learning Gateway**

**Effective Date:**       Upon Becoming Law

**Key Contact:**           **Economic Development, Sections 1-4, 11, and 12**  
Gita Wijesinghe Pitter  
(850) 201-7190  
[Gita.pitter@fldcu.org](mailto:Gita.pitter@fldcu.org)

**Learning Gateway, Sections 5-8**  
Shan Goff  
(850) 488-1570  
[goffs@mail.doe.state.fl.us](mailto:goffs@mail.doe.state.fl.us)

**Summary:**

This bill creates the Florida Technology Development Act, provides for the operation of certain bond-financed projects in research and development parks, provides for the maintenance of a website relating to the information technology industry, authorizes the Learning Gateway demonstration program, establishes the Tourism Industry Recovery Act of 2002, creates an account for matching funds for an existing economic development incentive program, and requires the Legislature’s Office of Program Policy Analysis and Government Accountability to conduct a Technology review previously required by law.

**Summary by Bill Section (where applicable):**

**Section 1 -** Creates s. 240.72, Florida Statutes, as the Florida Technology Development Act. It defines “center of excellence” as an organization of personnel, facilities, and equipment established at or in collaboration with one or more universities in Florida to accomplish the purposes and objectives of this act. It provides 6 purposes and objectives of a center of excellence including collaborative partnerships; acquiring and leveraging public and private-sector funding; recruiting and retaining world-class scholars, high-performing students, and leading scientists and engineers; enhancing and expanding technology curricula and laboratory resources at universities and research centers; increasing high-performing technology graduates who pursue careers in Florida; and stimulating and supporting technology-based businesses and increasing employment opportunities for the workforce needed to support such businesses. The Emerging Technology Commission is created within the Governor’s Office to guide the establishment of centers of excellence. It provides the Governor’s Office shall provide staff support for the Commission. By August 1, 2002, the Florida Research Consortium, Inc., shall provide a report to the Commission that describes in detail and prioritizes factors that contribute to the success of the creation of centers of excellence. It provides 14 factors at a minimum to include in the report. By September 15, 2002, the Commission shall develop and approve criteria for evaluating proposals. It requires public hearings to take expert testimony. By October 1, 2002, the Commission shall provide a list of such criteria to each university in the State University System and to the State Technology Office for publishing on the Internet within 24 hours after the office’s

receipt of the list. It provides proposal criteria for the universities. By February 1, 2003, the Commission shall submit to the State board of Education a minimum of two, but no more than five, recommended plans for the establishment of one or more centers of excellence in the state. At least 3 public hearings must be held. By March 15, 2003, the State Board of Education shall develop and approve a final plan for the establishment of one or more centers of excellence and authorize expenditures for same. At least \$10 million must go to each center. At least one public hearing must be held. The final plan must include performance and accountability measures. By March 22, 2003, the State Board of Education shall provide the final plan to the Governor, President of Senate, and Speaker of House. Beginning June 30, 2003, the Commission shall report quarterly to the Commissioner of Education on the progress and success of the centers. This section of law expires July 1, 2004.

**Section 2** - \$50,000 is appropriated from General Revenue to the Executive Office of the Governor for 2002-2003 FY to provide staff support to the Emerging Technology Commission and per diem and travel expenses for the Commission members.

**Section 3** - It provides that a project that is located in a research and development park, and is financed under the provisions of the Florida Industrial Development Financing Act, may be operated by a research and development authority, a state university, a Florida community college, or a government agency, if the purpose and operation of the project are consistent with 159.701-159.7095, Florida Statutes.

**Section 4** - It transfers responsibilities from the Department of Labor and Employment Security to Workforce Florida, Inc. (WFI) for the development of an Internet-based system for information technology industry promotion and workforce recruitment. WFI shall ensure that the website is consistent, compatible and coordinated with the workforce information system required under s. 445.011, Florida Statutes, including the automated job-matching information system. WFI may enter into agreements with the Agency for Workforce Innovation, State Technology Office, or other public agency, or procure services, to implement the provisions of this section. WFI shall coordinate with Enterprise Florida, Inc., the promotion and marketing of the information technology industry.

**Section 5** - Authorizes the Learning Gateway as a 3-year demonstration program to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9. Parental consent shall be required for initial contact and referral for evaluation and services provided through the Learning Gateway. Each pilot program must design and test an integrated, community-based system to help parents identify learning problems and access early-education and intervention services in order to minimize or prevent learning disabilities. The Learning Gateway must be available to parents in the settings where they and their children live, work, seek care, or study.

Identifies the target population to include children from birth through age 9 who may have learning problems and learning disabilities including disorders or delayed

development in language, attention, behavior, and social-emotional functioning, including dyslexia and attention deficit hyperactivity disorder; and their parents and families.

Specifies the goals of the Learning Gateway to:

- improve community awareness and education of parents and practitioners about the warning signs or precursors of learning problems and learning disabilities
- improve access for children who are experiencing early learning problems and their families to appropriate programs, services, and supports through improved outreach and referral processes among providers
- improve developmental monitoring and the availability of appropriate screening resources, with emphasis on children who are at high risk of having learning problems
- improve the availability of appropriate education and intervention programs, services and supports to address learning problems and learning disabilities
- identify gaps in the array of services and supports so that an appropriate child-centered and family-centered continuum of education and support would be readily available in each community
- improve accountability of the system through improved planning, integration, and collaboration among providers and through outcome measurement in collaboration with parents.

Creates the Learning Gateway steering committee assigned to the Department of Education (DOE) for administrative purposes, to ensure that parents of children with potential learning problems and learning disabilities have access to the appropriate necessary services and supports; prescribes duties.

Members (18) are appointed by the Governor, the Senate President, and the House Speaker to include representatives with expertise in communications, management or service provision; children's vision; learning disabilities; audiology; emergent literacy; pediatrics; brain development; environmental health and allergies; family medicine; parents of children eligible for services; and providers of related diagnostic and intervention services, including a school psychologist. The steering committee must consult with designated state agencies, including DOE.

Requires that steering committee appointments be made and the committee hold its first meeting within 90 days after the act takes effect. The Governor shall designate the chairman of the committee.

Requires that, within 90 days after its initial meeting, the steering committee shall accept proposals from interagency consortia in Orange, Manatee, and St. Lucie Counties to serve as demonstration sites for design and development of a system that addresses prescribed requirements.



Requires that the demonstration projects/proposals must represent interagency consortia; provide a comprehensive and detailed description of the system of care; ensure that the system of care appropriately includes existing services to the fullest extent possible; determine additional programs, services, and supports that would be necessary to implement requirements of the act; in conjunction with the steering committee, determine system funding options; recommend to the steering committee the linking or combining of some or all of the local planning bodies to the extent allowed by federal regulations, if such changes would improve coordination and reduce unnecessary duplication of effort; use public and private partnerships, partnerships with faith-based organizations, and volunteers, as appropriate, to enhance accomplishment of system goals; and address designated system components, including protocols for requiring and receiving parental consent for Learning Gateway services.

Authorizes the demonstration projects to hire staff, establish office space, and contract for administrative services as needed to implement the project within the budget designated by the Legislature.

Specifies that the Steering Committee must approve, deny, or conditionally approve a proposal within 60 days of its receipt. If a proposal is conditionally approved, the committee must assist the applicant to correct deficiencies in the proposal by December 1, 2002. Funds must be available to a pilot program 15 days after final approval of its proposal. Funds must be available to all pilot programs by January 1, 2003.

**Section 6** - The Learning Gateway consists of the following components, each of which has extensive prescribed requirements:

- community education and family-oriented access strategies, including a single system access point, a central information and referral access phone number, services to parents of newborns, and public and parent awareness
- screening and developmental monitoring, including screening guidelines, and child health care checkups checklist/training package
- early education, services, and supports, which address a conceptual model of care including existing services, intervention practices, early care and education program curriculum, promising/research-based practices, and resource allocation/flexible funding.

**Section 7** - Specifies accountability provisions to include a multilevel evaluation system, formative project evaluation, recommendations for system expansion, and a strategic plan.

By January 1, 2005, the steering committee, in conjunction with the demonstration projects, shall develop a model county-level strategic plan with prescribed strategies.

**Section 8** - Provides for the appropriation of a sum of money to fund the demonstration programs and authorizes selected communities to blend funding from existing programs to the extent that this is advantageous to the community and is consistent with federal requirements.

**Section 11** - The Trust Fund for Major Gifts is revised requiring that funds deposited for the sales tax exemption matching program authorized in s. 212.08(5)(j), Florida Statutes, be maintained in a separate account. This account is to be used only to match qualified exemptions that a certified business designates for use by state universities and community colleges to support research and development projects requested by the certified business.

**Section 12** - Provides that the legislative review of certain technology programs required under section 14 of Chapter 93-187, Laws of Florida, is to be done by OPPAGA before December 1, 2002.

**Section 13** - Provides an effective date upon becoming law.

# MISCELLANEOUS

**CS/SB 100:                   Transportation Disadvantaged Trust Fund**

**Effective Date:**           October 1, 2002

**Key Contact:**               Kurt Ponchak  
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**Summary:**

Pursuant to s. 320.03(9), Florida Statutes, a nonrefundable fee of \$1.50 is charged on the initial and renewal Florida registrations of each automobile for private use and on each truck with a net weight of 5,000 pounds or less. The collected fees are deposited into the Transportation Disadvantaged Trust Fund, which supports a state coordinated program to provide transportation for elderly, disabled, and low- income citizens.

The bill extends the \$1.50 fee to the initial and renewal registrations of certain trucks and trailers, motorcycles, and tag transfers. Commercial vehicles currently exempt from this fee would remain exempt under the provisions of the bill.

The bill substantially amends s. 320.03, Florida Statutes.

**Summary by Bill Section (where applicable):**

**Section 1** - Subsection (7) is added to s. 343.64, Florida Statutes, to read: Powers and duties.

(7) Notwithstanding any other provision to the contrary, the authority may not act as the community transportation coordinator for the transportation disadvantaged program pursuant to part I of Chapter 427, and any past appointment of the authority shall be void effective July 1, 2002.

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**HB 161:                       Relative Caregiver Program**

**Effective Date:**           July 1, 2002

**Key Contact:**               Patti Askins  
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**Summary:**

The Act extends exemption from payment of certain fees to students who are, or were at the time they reached age 18, in the custody of a relative as defined in the Relative Caregiver Program as defined in s. 39.5085, Florida Statutes. Exempted fees include registration, matriculation, and laboratory fees for workforce development postsecondary students, community college credit students, and community college students enrolled in college-preparatory instruction.

**Summary of Bill Section (where applicable):**

**Section 1** - Amends the definition of relative caregiver in Section 39.5085, Florida Statutes.

**Section 2** - Amends s. 239.117(4)(c), Florida Statutes, to expand exemption for registration, matriculation, and laboratory fees to students who are or were at the time they reached age 18, in the custody of a relative in accordance with the Relative Caregiver Program. The fee exemption applies to postsecondary workforce development programs.

**Section 3** - Amends s. 240.35(2)(a), Florida Statutes, to expand exemption for registration, matriculation, and laboratory fees to students who are or were at the time they reached age 18, in the custody of a relative in accordance with the Relative Caregiver Program. The exemption relates to community college credit fees and those for enrollment in college preparatory instruction.

**Section 5** - This act shall take effect July 1, 2002.

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**CS/HB 261:                    Transportation**

**Effective Date:**            July 1, 2002

**Key Contact:**                Rose Raynak  
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**Summary:**

This bill revises provisions relating to transportation. It requires all automotive service technology education programs shall be industry certified by 2007.

**Summary by Bill Section (where applicable):**

**Section 126** - Requires all automotive service technology education programs shall be industry certified by 2007.

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**CS/SB 268:                    Elderly and Disabled/Public Guardians**

**Effective Date:**            Upon Becoming Law

**Key Contact:**                Larry Taylor  
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**Summary:**

The bill deals with what it means to be a person in a position of trust and confidence as related to the elderly and the disabled. It provides definitions and civil remedies for theft and other offenses when the victim is an elderly or disabled person, and allows the court to continue action in the event of the death of the victim.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends s. 825.101, Florida Statutes, to make technical changes.

**Section 2** - Amends s. 772.11, Florida Statutes, by adding the term “exploitation” as a cause for civil remedy. Adds subsections (2) through (5) which deal with a definition of property, that civil liability is not imposed in such places and to such persons appropriately licensed and authorized to practice. Subpart (4) specifically indicates that the court does not lose jurisdiction for theft or exploitation when the victim is an elderly or disabled person. Subpart (5) allows the victim, if elderly or a disabled person, to request that the court action be advanced.

**Section 3** - Creates s. 744.1083, Florida Statutes, in relation to professional guardian registration. States that effective January 1, 2003, a professional guardian must register with the Statewide Public Guardianship Office established in Part IX of this chapter, and sets forth the requirements of what registration must include. Requires annual registration and sets the fee for such registration to not exceed \$25.

**Section 4** - Technical amendment to s. 744.309, Florida Statutes.

**Section 5** - Amends s. 744.3135, Florida Statutes, which adds to the requirements for screening, all employees of a professional guardian who have a fiduciary responsibility to a ward. The individuals must pay the level 2 background screening. Further, the guardians must undergo a level 1 background screening every two years, and an investigation of their credit history. This last does not apply to the employees of a professional guardian or other agencies.

**Section 6** - Amends s. 744.446, Florida Statutes, by adding “breach of fiduciary duty” and making the court take those necessary actions to protect the ward and the ward’s assets.

**Section 7** - Amends s. 744.534, Florida Statutes, dealing with unclaimed funds held by a guardian. The funds are to be deposited in the Department of Elderly Affairs Administrative Trust Fund.

**Section 8** - Amends s. 744.703, Florida Statutes, requiring the public guardian to maintain a staff or contract with professionally qualified individuals to carry out the guardianship functions. Sets out some criteria.

**Section 9** - Creates s. 744.7082, Florida Statutes, on direct-support organizations. Defines a direct-support organization and speaks to development projects, raising funds, grants, gifts, and others. Requires the purposes and objectives of the direct-support organization to be consistent with the priority issues and objectives of the Statewide Public Guardianship Office. Calls for a annual financial audit of the direct-support organization.

**Section 10** - Amends s. 744.387, Florida Statutes, by increasing the amount from \$5,000 to \$15,000 a guardian may settle based on a claim.

**Section 11** - Amends s. 744.301, Florida Statutes, relates to natural guardians and allows them to settle claims up to an amount of \$15,000 from \$5,000.

**Section 12** - Amends s. 765.104, Florida Statutes, by adding subsection (4). Any person for whom a medical proxy has been recognized under Section 765.401, Florida Statutes, and for whom any previous legal disability that precluded the patient’s ability to consent is removed, may amend or revoke the recognition of the medical proxy and any uncompleted decision made by the proxy.

**Section 13** - Amends s. 765.401, Florida Statutes, by adding the terms “incapacitated or developmentally disabled” person to the proxy.

**Section 14** - This act shall take effect upon becoming law.

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**SB 292:                    Korean War Veterans**

**Effective Date:**        July 1, 2002

**Key Contact:**            Lynda Hartnig  
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                                      [hartnil@mail.doe.state.fl.us](mailto:hartnil@mail.doe.state.fl.us)

**Summary:**

The act provides for the award of a standard high school diploma to honorably discharged Korean War veterans who were unable to finish high school due to serving in the military.

**Summary of Bill Section (where applicable):**

**Section 1** - Amends s. 232.246, Florida Statutes, to provide an opportunity for honorably discharged Korean War veterans to be awarded a standard high school diploma. Veterans who started high school between 1946 and 1950 and were scheduled to graduate between 1950 and 1954, but were inducted into the United State Armed Services between June 1950 and January 1954 prior to completing high school are eligible. The State Board of Education, upon the recommendation of the commissioner, may develop criteria and guidelines for awarding such diplomas.

**Section 2** - Establishes an effective date of July 1, 2002.

**SB 332: Athlete Agents**

**Effective Date:** July 1, 2002

**Key Contact:** Lynda Page  
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**Summary:**

The bill redefines the term "athlete agent" and revises licensure requirements. It provides for service of process on nonresident agents. It provides for temporary licenses. It revises contract requirements and provides for the cancellation of contracts. It increases the administrative fines. It adds criminal penalties for certain acts. It revises the civil remedies available to colleges and universities for violations of athlete agent regulations. It revises business record requirements. It removes the requirement of continuing education by athlete agents. It repeals license display requirements.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends s. 468.452 (2), Florida Statutes. It adds employees and other persons acting on behalf of an athletic agent under the definition of "athletic agent."

**Section 3** - Amends s. 468.454, Florida Statutes. It substantially revises contract requirements between agent and student athlete, including a requirement for a warning to be prominently displayed in close proximity to the signature of the student-athlete. The warning statement puts the student-athlete on notice regarding possible loss of eligibility; notices student-athlete on requirement to notify his/her athletic director; and notices the student's ability to cancel the contract within 14 days with an explanation that the cancellation may not reinstate the student-athlete's eligibility.

**Section 5** - Subsection (4) is added to s. 468.45615, Florida Statutes; describe provision of illegal inducements to athletes, penalties and license suspension. It specifically lists that an agent, intending upon inducing a student-athlete, may not: give materially false or misleading information or make false promise or representation; furnish anything of value to the student-athlete prior to contractual agreement; or furnish anything of value to any individual. If any athletic agent engages in any of the prohibited actions, he or she is guilty of a second-degree felony.

**Section 6** - Amends s. 468.4562, Florida Statutes. It adds another provision to the explanation of a college or university being damaged: "or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such organization". It provides that a right of action does not accrue until the educational institution discovers, or by exercise of reasonable diligence would have discovered, the violation by the athlete agent or former student-athlete. It provides for several liabilities. It does not restrict rights, remedies, or defenses of any person under law or equity.



**CS/HB 885: Recitation of Declaration of Independence**

**Effective Date:** July 1, 2002

**Key Contact:** Robert Lumsden  
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**Summary:**

This law creates s. 233.0659, Florida Statutes, to recognize in public schools the last full week of classes in September as Celebrate Freedom Week. During this week at least 3 hours of in-depth instruction, as determined by the school district, on the intent, meaning and importance of the Declaration of Independence must be included in each social studies class. At the beginning of each school day or in homeroom during this week, principals and teachers must conduct an oral recitation by students of the following portion of the Declaration of Independence:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.”

If requested in writing by a student’s parent, the student must be excused from the recitation.

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**CS/SB 1350: Elections/Political Contributions**

**Effective Date:** Upon Becoming Law

**Key Contact:** Kurt Ponchak  
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**Summary:**

Committee Substitute for Senate Bill 1350 (“Committee Substitute”) re-enacts the prohibition against making indirect contributions. It also limits the prohibition against candidates, political committees, and political parties making contributions to charitable organizations to only those contributions made in a *quid pro quo* exchange for political support.

The Committee Substitute is a direct response to the U.S. 11th Circuit Court of Appeals decision in *Florida Right to Life v. Lamar*, 273 F.3d 1318 (11th Cir. 2001). That case invalidated both the indirect contribution prohibition and the blanket prohibition against candidate contributions to charities.

The Committee Substitute is effective upon becoming law.

The Committee Substitute substantially amends section 106.08 of the Florida Statutes.

**Summary by Bill Section (where available):**

**Section 4** - Creates new subsections 2, 33, and 36, the sections read as follows:

(2) "Alternative formats" has the meaning ascribed in the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42 U.S.C. ss. 12101 et seq., including specifically the technical assistance manuals promulgated hereunder, as amended.

(33) "Tactile input device" means a device that provides information to a voting system by means of a voter touching the device, such as a keyboard, and that complies with the requirements of s. 101.56062(1)(k) and (l).

(36) "Voter interface device" means any device that communicates voting instructions and ballot information to a voter and allows the voter to select and vote for candidates and issues.

**Section 5** - Section 97.026, Florida Statutes, is created to read:

Forms to be available in alternative formats and via the Internet. It is the intent of the Legislature that all forms required to be used in chapters 97-106 shall be made available upon request, in alternative formats. Such forms shall include absentee ballots as alternative formats for such ballots become available and the Division of Elections is able to certify systems that provide them. Whenever the Department of State shall make possible, such forms, with the exception of absentee ballots, available via the Internet. Sections that contain such forms include, but are not limited to, ss. 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583, 97.071, 97.073, 97.1031, 98.055, 98.075, 99.021, 100.361, 100.371, 101.045, 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65, 101.657, 105.031, 106.023, and 106.087.

**Section 7** - Effective July 1, 2004, s. 98.122, Florida Statutes, is created to read: Use of closed captioning and descriptive narrative in all television broadcasts. Each candidate, political party, and political committee must use closed captioning and descriptive narrative in all television broadcasts regulated by the Federal Communications Commission that are on behalf of, or sponsored by, a candidate, political party, or political committee or must file a written statement with the qualifying officer setting forth the reasons for not doing so.

Failure to file this statement with the appropriate qualifying officer constitutes a violation of the Florida Election Code and is under the jurisdiction of the Florida Elections Commission. The Department of State may adopt rules in accordance with s. 120.54 which are necessary to administer this section.

**Section 12** - Section 101.56062, Florida Statutes, is created to read: Standards for accessible voting systems.

(1) Notwithstanding anything in this chapter to the contrary, each voting system certified by the Department of State for use in local, state, and federal elections must include the capability to install accessible voter interface devices in the system configuration which will allow the system to meet the following minimum standards:

- (a) The voting system must provide a tactile input or audio input device, or both.
- (b) The voting system must provide a method by which voters can confirm any tactile or audio input by having the capability of audio output using synthetic or recorded human speech that is reasonably phonetically accurate.
- (c) Any operable controls on the input device, which are needed for voters who are visually impaired, must be discernable tactilely without actuating the keys.
- (d) Audio and visual access approaches must be able to work both separately and simultaneously.
- (e) If a no audio access approach is provided, the system may not require color perception. The system must use black text or graphics, or both, on white background or white text or graphics, or both, on black background, unless the office of the Secretary of State approves other high-contrast color combinations that do not require color perception.
- (f) Any voting system that requires any visual perception must offer the election official who programs the system, prior to its being sent to the polling place, the capability to set the font size, as it appears to the voter, from a minimum of 14 points to a maximum of 24 points.
- (g) The voting system must provide audio information, including any audio output using synthetic or recorded human speech or any auditory feedback tones that are important for the use of the audio approach, through at least one mode, by handset or headset, in enhanced auditory fashion (increased amplification), and must provide incremental volume control with output amplification up to a level of at least 97 dB SPL.
- (h) For transmitted voice signals to the voter, the voting system must provide a gain adjustable up to a minimum of 20 dB with at least one intermediate step of 12 dB of gain.

(i) For the safety of others, if the voting system has the possibility of exceeding 120 dB SPL, then a mechanism must be included to reset the volume automatically to the voting system's default volume level after every use, for example when the handset is replaced, but not before. Also, universal precautions in the use and sharing of headsets should be followed.

(j) If sound cues and audible information such as "beeps" are used, there must be simultaneous corresponding visual cues and information.

(k) Controls and operable mechanisms must be operable with one hand, including operability with a closed fist, and operable without tight grasping, pinching, or twisting of the wrist.

(l) The force required to operate or activate the controls must be no greater than 5 pounds of force.

(m) Voting booths must have voting controls at a minimum height of 36 inches above the finished floor with a minimum knee clearance of 27 inches high, 30 inches wide, and 19 inches deep, or the accessible voter interface devices must be designed so as to allow their use on top of a table to meet these requirements. Tabletop installations must include adequate privacy.

(n) Any audio ballot must provide the voter with the following functionalities:

1. After the initial instructions that the system requires election officials to provide to each voter, the voter should be able to independently operate the voter interface through the final step of casting a ballot without assistance.
2. The voter must be able to determine the races that he or she is allowed to vote in and to determine which candidates are available in each race.
3. The voter must be able to determine how many candidates may be selected in each race.
4. The voter must be able to have confidence that the physical or vocal inputs given to the system have selected the candidates that he or she intended to select.
5. The voter must be able to review the candidate selections that he or she has made.
6. Prior to the act of casting the ballot, the voter must be able to change any selections previously made and confirm a new selection.
7. The system must communicate to the voter the fact that the voter has failed to vote in a race or has failed to vote the number of allowable candidates in any race and require the voter to confirm his or her intent to undervote before casting the ballot.

8. The system must prevent the voter from overvoting any race.
9. The voter must be able to input a candidate's name in each race that allows a write-in candidate.
10. The voter must be able to review his or her write-in input to the interface, edit that input, and confirm that the edits meet the voter's intent.
11. There must be a clear, identifiable action that the voter takes to "cast" the ballot. The system must make clear to the voter how to take this action so that the voter has minimal risk of taking the action accidentally but when the voter intends to cast the ballot, the action can be easily performed.
12. Once the ballot is cast, the system must confirm to the voter that the action has occurred and that the voter's process of voting is complete.
13. Once the ballot is cast, the system must preclude the voter from modifying the ballot cast or voting or casting another ballot.
  - (a) Such voting system must include at least one accessible voter interface device installed in each precinct, which meets the requirements of this section, except for paragraph (1)(d).
  - (b) The Department of State may adopt rules in accordance with s. 120.54, Florida Statutes, which are necessary to administer this section.

**Section 13** - It is the intent of the Legislature that this state be eligible for any funds that are available from the Federal Government to assist states in providing or improving accessibility of voting systems and polling places for persons having a disability. Accordingly, all state laws, rules, standards, and codes governing voting systems and polling place accessibility must be maintained to ensure the state's eligibility to receive federal funds. It is the intent of the Legislature that all state requirements meet or exceed the minimum federal requirements for voting systems and polling place accessibility. This section shall take effect upon this act becoming a law.

**Section 14** - Section 101.662, Florida Statutes, is created to read: Accessibility of absentee ballots. It is the intent of the Legislature that voting by absentee ballot be by methods that are fully accessible to all voters, including voters having a disability. The Department of State shall work with the supervisors of elections and the disability community to develop and implement procedures and technologies, as possible, which will include procedures for providing absentee ballots, upon request, in alternative formats that will allow all voters to cast a secret, independent, and verifiable absentee ballot without the assistance of another person.

**Section 16** - Effective July 1, 2004, s. 101.715, Florida Statutes, is amended to read: (s. 101.715, Florida Statutes, for present text.) Accessibility of polling places for people having a disability.

1. All polling places must be accessible and usable by people with disabilities, as provided in this section.
2. Only those polling places complying with the Florida Americans With Disabilities Accessibility Implementation Act, ss. 553.501-553.513, Florida Statutes, for all portions of the polling place or the structure in which it is located that voters traverse going to and from the polling place and during the voting process, regardless of the age or function of the building, shall be used for federal, state, and local elections.
3. The selection of a polling site must ensure accessibility with respect to the following accessible elements, spaces, scope, and technical requirements: accessible route, space allowance and reach ranges, protruding objects, ground and floor surfaces, parking and passenger loading zones, curb ramps, ramps, stairs, elevators, platform lifts, doors, entrances, path of egress, controls and operating mechanisms, signage, and all other minimum requirements.
4. Standards required at each polling place, regardless of the age of the building or function of the building, include:
  - (a) For polling places that provide parking spaces for voters, one or more signed accessible parking spaces for disabled persons.
  - (b) Signage identifying an accessible path of travel to the polling place if it differs from the primary route or entrance.
  - (c) An unobstructed path of travel to the polling place.
  - (d) Level, firm, stable, and slip-resistant surfaces.
  - (e) An unobstructed area for voting.
  - (f) Sufficient lighting along the accessible path of travel and within the polling place.
5. The Department of State may adopt rules in accordance with s. 120.54, Florida Statutes, which are necessary to administer this section.

**Section 17** - Survey of accessibility at polling places.

(1) By September 1, 2003, each polling place in a county should be surveyed by the supervisor of elections of that county for the purpose of determining accessibility under the standards to be adopted pursuant to s. 101.715, Florida Statutes, on July 1, 2004, using a survey developed by rule of the Department of State.

(2) The Division of Elections shall present the results of this survey by December 1, 2003, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must note any polling places that will not meet the accessibility standards to be adopted on July 1, 2004, and shall state the specific reasons why those polling places may not be brought into compliance by that date. For each polling place that may not be brought into compliance by that date, the supervisor of elections must certify that fact to the Division of Elections and shall be granted a variance for that polling place until the primary and general elections in 2006.

**Section 18** - Effective November 30, 2002, subsection (7) is added to s. 102.014, Florida Statutes, to read: Poll worker recruitment and training. (7) The Department of State shall develop a mandatory, statewide, and uniform program for training poll workers on issues of etiquette and sensitivity with respect to voters having a disability. The program must consist of approximately 1 hour of the required number of hours set forth in paragraph (4)(a).

The program must be conducted locally by each supervisor of elections, who shall periodically certify to the Department of State whether each poll worker has completed the program. The supervisor of elections shall contract with a recognized disability-related organization, such as a center for independent living, family network on disabilities, deaf service bureau, or other such organization, to develop and assist with training the trainers in the disability sensitivity programs. The program must include actual demonstrations of obstacles confronted by disabled persons during the voting process, including obtaining access to the polling place, traveling through the polling area, and using the voting system.

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**CS/CS SB 1550:      Child Care Course Requirements**

**Effective Date:**      July 1, 2002

**Key Contact:**          Sally Kiser  
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Michelle Sizemore  
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**Summary:**

SB 1550 requires that operators of large family child care homes must show successful completion of the required 40-clock-hour introductory course in group child care by passing a competency examination. Successful completion of the introductory course shall articulate to community college credit as approved by the Articulation Coordinating Committee. The introductory course in child care for all personnel in child care facilities shall include the addition of the topic of computer technology for professional and classroom use and shall require the passage of a competency examination. Personnel possessing a 2-year degree or higher that includes 6 college credit hours in early childhood development or child growth and development, or a CDA, or a waiver certificate are exempted. Family day care home operators are required to successfully complete a 30-hour training course and pass a competency examination. The 40-clock-hour course may be modified to meet the requirements of articulating the course to community college credit. SB 1550 also authorizes the creation of public-private childcare sites.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends s. 402.3131, Florida Statutes. Operators of large family child care homes must successfully complete an approved 40-clock hour introductory course in group child care as evidenced by a competency examination which shall articulate into community college credit in early childhood education as approved by the Articulation Coordinating Committee.

**Section 2** - Amends 402.305, Florida Statutes Licensing standards; childcare facilities to add computer technology for professional and classroom use as determined by the Department of Children and Families. Childcare personnel will successfully complete a 40-clock-hour introductory which shall articulate into community college credit as approved by the Articulation Coordinating Committee. Child Care personnel possessing a 2-year degree or higher that includes 6 college credit hours in early childhood development or child growth and development, or a child development associate credential or an equivalent state approved child development associate credential or a child development associate waiver shall automatically be exempted from the training requirements in areas of health, safety and nutrition, child development and observation.

**Section 3** – Amends s. 402.313, Florida Statutes Family day care homes must successfully complete an approved 30-clock-hour introductory course in childcare as evidenced by passage of a competency examination.

**Section 4** - The Department of Children and Family Services may modify the 40-clock-hour introductory course in childcare to meet the requirements of articulating the course to community college credit.

**Section 5** - Amends s. 110.151, Florida Statutes. State officers and employees' child care services to allow the creation of public-private child care sites.

**Section 6** - Provides for an effective date of July 1, 2002.



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**HB 1633: Unclaimed Bodies/Veterans**

**Effective Date:** Upon Becoming Law

**Key Contact:** Richard P. Stevens  
(850) 201-7202  
[richard.stevens@fldcu.org](mailto:richard.stevens@fldcu.org)

**Summary:**

The bill expands the definition beyond human bodies to “remains”. The bill provides procedures for the disposition of deceased persons who are veterans. It requires that any contract for disposal of unclaimed remains by a local governmental entity provide for compliance with certain state and federal regulations. The bill does not prohibit the use of unclaimed deceased veterans for medical research.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends s. 245.06, Florida Statutes. The anatomical board is located at the University of Florida Health Science Center and is notified when unclaimed dead bodies or public expense burial or cremation is required. The bill expands the coverage to human “remains” rather than merely “bodies”. It requires and defines a reasonable effort to determine if the deceased person is entitled to burial in a national cemetery as a veteran of the armed forces, and if so, then those arrangements for such burial are to be made by the entity that finds itself in possession of the body.

**Section 2** - The bill requires local government entity compliance with state and federal laws relative to the disposition of unclaimed deceased veterans.

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**CS/HB 1841: Insurance Company Representatives**

**Effective Date:** October 1, 2002

**Key Contact:** Lynda Hartnig  
(850) 921-4430  
[hartnil@mail.doe.state.fl.us](mailto:hartnil@mail.doe.state.fl.us)

**Summary:**

The intent of this act is to bring it into compliance with the uniformity and reciprocity provisions of the federal Gramm-Leach-Bliley Act, while preserving certain “consumer protection” laws. Educational institutions that teach insurance courses may be interested in reading this bill. The sections of specific interest to education include the following sections.

**Summary by Bill Section (where applicable):**

**Section 12** - Amends s. 626.211, Florida Statutes, relating to pre-licensing examination requirements, by providing additional exemptions to the examination requirement.

**Section 13** - Amends s. 626.2815, Florida Statutes, relating to continuing education by requiring those subject to the continuing education requirements to complete two hours of courses every two years on the subject of unauthorized entities transacting insurance.

**Section 23** - Amends s. 626.732, Florida Statutes, relating to the pre-licensing education requirements of general lines agents with experience as customer representatives or service representatives.

**HB 1977: State Procurement/Competitive Solicitation**

**Effective Date:** July 1, 2002

**Key Contacts:** Gwen Rittman  
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Dottie Gough  
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**Summary:**

Amends Chapters 120, 283 and 287, Florida Statutes. Specifies manner in which notice or decisions & intended decisions concerning procurement are to be provided, provides procedures applicable to protest of contract solicitation or award; eliminates requirement for annual adjustments of purchasing categories; revises purpose, duties, & functions of Department of Management Services (DMS); provides that eligible users may purchase from state term contracts.

**Summary by Bill Section (where applicable):**

**Section 2** - Amends s. 120.57(3)(a), Florida Statutes. Provides that solicitations and agency decisions related to chapter 287 can be posted electronically in addition to the other forms of notice.

Deletes language relating to notices of decision by U.S. mail or hand delivery and posting of notices of decision in offices of DMS.

Section 120.57(3)(b), Florida Statutes, provides that the 72 hour notice of protest filing time frame begins running after the posting of the solicitation.

**Section 3** - Amends s. 283.32, Florida Statutes Recycled paper; technical wording changes for consistency throughout document.

**Section 4** - Amends s. 283.33, Florida Statutes. Printing of publications; lowest bidders award;  
technical wording changes for consistency throughout document

**Section 5** - Amends s. 283.34, Florida Statutes. Minor language change made relating to a member of the Legislature receiving a printing contract.

**Section 6** - Amends s. 283.35, Florida Statutes. Preference given printing within the state.  
Technical wording changes for consistency throughout document.

**Section 7** - Amends s. 287.001, Florida Statutes. Legislative intent; technical wording changes for consistency throughout document.

**Section 8** - Amends s. 287.012, Florida Statutes, Definitions

- Alphabetizes the definitions
- Excludes University of College Boards of Trustees or the state universities and colleges from the definition of “agency.”
- Creates a definition for “best value.”
- Information technology added in the definition of “commodity.” Portable structure redefined with floor space less than 5,000 sq ft rather than 2,000 sq ft.
- Redefines “competitive sealed bids” as “competitive sealed proposals” or “competitive sealed replies.” Changes qualified bidders or offices to vendors.
- Creates a definition for “solicitation” to mean an invitation to bid, a request for proposal, or an invitation to negotiate.
- Creates a definition for electronic posting or electronically post.
- Amends the definition of “exceptional purchases.”
- Creates definition for “eligible users.”
- Amends the definition of “information technology” to be in accordance with s. 282.0041, Florida Statutes.
- Amends the definition of “Invitation To Bid” to delete repetitive language that is contained in s. 287.057, Florida Statutes.
- Creates a definition of “Invitation To Negotiate” to provide for a written solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services.
- Identifies office as the Office of Supplier Diversity at DMS.
- Creates a definition for “Request for Information” which is a written request made by an agency to vendors for information concerning commodities or contractual services. Responses to these requests are not offers and may not be accepted by the agency to form a binding contract.
- Amends the definition of “Request For Proposal” to delete repetitive language that is contained in s. 287.057, Florida Statutes. The request for proposals is used when it is not practical for the agency to specifically

define the scope of work for which the commodity, group of commodities, or contractual service is required.

- Creates a definition of “request for a quote” to include pricing “or services” information and clarify that it can only be used for vendors on state term contract.
- Creates a definition for “responsible vendor” similar to the definitions of “qualified bidder, offerer”, etc. that are deleted. “Responsible vendor” means a vendor who has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good-faith performance.
- Adds a new definition: “State term contract” means a term contract that is competitively procured by the department pursuant to s. 287.057, Florida Statutes, and that is used by agencies and eligible users pursuant to s. 287.056, Florida Statutes.
- Redefines “term contract” to mean an indefinite quantity contract to furnish commodities or contractual services during a defined period.

**Section 9** - Amends s. 287.017, Florida Statutes. Purchasing Categories; deletes provision that requires the category amount to be adjusted “annually” based upon the rate change of a nationally recognized price index and the calculation of the adjustments.

**Section 10** - Amends s. 287.022, Florida Statutes. Purchase of Insurance; technical wording changes for consistency throughout document.

**Section 11** - Amends s. 287.032, Florida Statutes. Purpose of department; technical wording changes for consistency throughout document.  
Deletes provision requiring DMS to procure and distribute state owned surplus tangible property.

**Section 12** - Amends s. 287.042, Florida Statutes, Powers, duties, and functions

- Technical wording changes for consistency throughout document.
- Adds a section relating to the department’s including products and services offered by a qualified nonprofit agency for the blind or other severely handicapped to the listing on state term contracts.
- Clarifies language that currently requires DMS to plan and coordinate purchases in volume and execute all purchasing agreements.
- Clarifies that eligible users are included in the state’s procurement system.
- Deletes language that provides for the prevailing party in a solicitation protest to be re-awarded a contract.
- Amends bond language requirement stating that the bond amount shall be 1% of the estimate of the total volume of the contract. Provides how the estimate can be calculated and that the estimate amount is not subject to protest.
- Provides that vendors may additionally post an official bank check in lieu of a bond.

- Provides that the prevailing party is entitled to recover attorney's fees in a solicitation protest.
- Deletes language regarding the department's supervising all storerooms and commodity inventories.
- Clarifies language regarding the advertising of solicitations. Provides that advertising can be posted by electronic means, fax, or other means established by rule. Provides that the 10-day time period for submittals can be shortened if demonstrated by the agency or department that it is necessary to avoid harming the interests of the state.
- Clarifies that the purpose of written question and answer periods is to respond to vendor questions.
- Provides that copies of purchasing rules can be provided by electronic means.

**Section 13** - Amends s. 287.045, Florida Statutes. Procurement of products and materials with recycled content; technical wording.

**Section 14** - Amends s. 287.056, Florida Statutes. Agency purchases from agreements and contracts executed by the department. Includes eligible users as being able to procure from state term contracts.

**Section 15** - Amends s. 287.057, Florida Statutes. Procurement of commodities or contractual services

- 287.057(1)(a), Florida Statutes, Technical changes to make all sections include similar language.
- 287.057(2)(a), Florida Statutes, Provides for language regarding the relative importance of price and other evaluation criteria in an Invitation To Bid. This language was originally in the definition of a Request For Proposal and is being deleted and placed in this section.
- Deletes language regarding discussions with vendors in the Request For Proposal process.
- 287.057(3)(a), Florida Statutes. Clarifies the method of procurement in order to have the best value to the state. If the agency determines in writing that the use of an invitation to bid or a request for proposals will not result in the best value to the state, the agency may procure commodities and contractual services by competitive sealed replies. The agency's written determination must specify reasons that explain why negotiation may be necessary in order for the state to achieve the best value and must be approved in writing by the agency head or his designee prior to the advertisement of an invitation to negotiate.
- 287.057(3)(a), Florida Statutes. Provides guidelines for how to handle renewal of a contract - If the agency contemplates renewal of the contract, that fact must be stated in the invitation to negotiate. The reply shall include the price for each year for which the contract may be renewed.
- 287.057(3)(b), Florida Statutes. Requires the agency to keep documentation supporting contract awards in the contract file. The

contract file must contain a short plain statement that explains the basis for vendor selection and that sets forth the vendor's deliverables and price, pursuant to the contract, with an explanation of how these deliverables and price provide the best value to the state.

- 287.057(4), Florida Statutes. Provides for the use of a conference and question and answer periods with vendors prior to the receipt of bids, proposals, or replies.
- 287.057(5)(a), Florida Statutes. Provides the agency the opportunity to change the requirements in the solicitation specifications prior to receiving the bids, proposals, or replies during an emergency situation that will endanger the public's health, safety and welfare.
- 287.057(5)(b), Florida Statutes. Technical clarification of state term contract purchase.
- 287.057(5)(c), Florida Statutes. Provides for use of a single source and proper procedure for using it. Requires agency to obtain department approval prior to entering into a single source contract. Provides that request for approval shall be in a form prescribed by the department, which may be an electronic form. Provides that the department will electronically post such requests for 7 days and any potential competitor may file a protest within 10 days.
- 287.057(5)(f), Florida Statutes. Technical wording changes for consistency throughout document.
- 287.057(6) through (13), Florida Statutes. Technical wording changes for consistency throughout document.
- 287.057(14), Florida Statutes. Provides for period of renewal not to exceed 3 years.
- 287.057(17), Florida Statutes. Provides for two kinds of teams for procurements above category four, (1) evaluation team for proposals and replies, and, (2) negotiation team to conduct negotiations during a competitive sealed reply procurement, and provides for make-up of each.
- 287.057(18), Florida Statutes. Provides that a vendor responding to a Request For Information is not prohibited from entering into a contract with an agency.
- 287.057(19), Florida Statutes. Deletes provision that department may establish state contractual service term contracts and continues to allow each agency to establish a review and approval process for all contractual services contracts costing more than the threshold amount for Category Three
- 287.057(23)(a), Florida Statutes. Provides that the department, in consultation with the State Technology Office and the Comptroller, develop e-procurement (program for online procurement).
- 287.057(23)(b), Florida Statutes. Provides that the department, in consultation with the State Technology Office will adopt rules to administer the program for online procurement.

**Section 16** - Amends s. 287.0572, Florida Statutes. Present value methodology technical wording changes for consistency throughout document

**Section 17** - Amends s. 287.058, Florida Statutes. Contract Document; technical wording changes for consistency throughout document.

**Section 18** - Amends s. 287.059, Florida Statutes. Private attorney services; technical wording changes for consistency throughout document.

**Section 19** - Amends s. 287.0595, Florida Statutes. Pollution response action contracts; technical wording changes for consistency throughout document.

**Section 20** - . Repeals. s. 287.073, Florida Statutes.

**Section 21** - Amends s. 287.0731, Florida Statutes. Team for contract negotiations; to include a chief negotiator for procurement of information technology and to clarify that the department, not the State Technology Office, shall establish the team for information technology procurements. Contingent upon funding in the General Appropriations Act, the department shall establish a team that includes a chief negotiator to specialize in conducting negotiations for the procurement of information technology with an invitation to negotiate.

**Section 22** - Amends s. 287.0822, Florida Statutes. Beef and pork; prohibition on purchases; bid specifications; penalty. Technical wording changes for consistency throughout document.

**Section 23** - Amends s. 287.084, Florida Statutes. Preference to Florida businesses; technical wording changes for consistency throughout document.

**Section 24** - Amends s. 287.087, Florida Statutes. Preference to businesses with drug-free workplace programs; technical wording changes for consistency throughout document.

**Section 25** - Amends s. 287.093, Florida Statutes. Minority business enterprises; procurement of personal property and services from funds set aside for such purpose; Technical wording changes for consistency throughout document.

**Section 26** - Amends s. 287.09451, Florida Statutes. Office of Supplier Diversity - Technical wording changes for consistency throughout document.

**Section 27** - Amends s. 287.096, Florida Statutes. Thresholds for exempt programs - Requires that the PRIDE and RESPECT programs offer products (which are exempt from competitive bidding process) produced in majority part by inmate or blind or severely handicapped persons.

**Section 28** - Repeals s. 287.121, Florida Statutes.

**Section 29** - Amends s. 287.133, Florida Statutes. Public entity crime; denial or revocation of the right to transact business with public entities. Technical wording changes for consistency throughout document

**Section 30** - Amends s. 287.134, Florida Statutes. Discrimination; denial or revocation of the right to transact business with public entities:

s. 287.134(3)(c), Florida Statutes, provides that the initial list and quarterly lists of those entities which have been disqualified from the public contracting and purchasing process shall be published electronically and not in the Florida Administrative Weekly.

**Section 45** - This act shall take effect July 1, 2002.

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<b>CS/CS/HB 2011:</b>	<b>Lottery Revenue</b>
<b>Effective Date:</b>	July 1, 2002
<b>Key Contact:</b>	Steve Kimble (850) 488-6303 <a href="mailto:kimbles@mail.doe.state.fl.us">kimbles@mail.doe.state.fl.us</a>

**Summary:**

SB 2011 directs the Department of Lottery to establish variable prize-payout rates for instant tickets at a level that will maximize total dollars available to the Education Enhancement Trust Fund. The Department of Lottery is also authorized to provide varying percentages of gross revenue from the sale of instant tickets to the Education Enhancement Trust Fund.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends Section 24.121, F.S., to permit the Department of Lottery to use variable percentage payouts for prizes from the sale of on-line and instant tickets. The new policy will maximize the funds to be deposited in the Education Enhancement Trust Fund.

**Section 2** - Provides for an effective date of July 1, 2002.

**Note:** The Revenue Estimating Impact Conference held March 1, 2002, estimated SB 2011 would have an annual fiscal impact of \$57.3 million. Because of implementation and player reaction lag, the 2002-03 fiscal impact is projected to be \$30 million.

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<b>SB 2086</b>	<b>Council on Children's Services</b>
<b>Effective Date:</b>	July 1, 2002
<b>Key Contact:</b>	Mary Jo Butler



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[butlerm@mail.doe.state.fl.us](mailto:butlerm@mail.doe.state.fl.us)

**Summary:**

The bill provides that counties operating under a home rule charter (Miami-Dade County is the only county operating under this home rule charter) may create a governing board for the children's council, which consists of 33 members, instead of the current requirement for a ten-member council. The bill also identifies the council membership and terms of office.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends s. 125.901(1)(b), Florida Statutes, to provide that any county defined as a home rule charter may establish a council on children's services, which may also be known as a juvenile welfare board or similar name as established in the ordinance by the county governing body. The governing board may consist of 33 members, including educational representation by the following:

- district superintendent of schools
- two representatives of public institutions of higher education located in the county
- a member of the local school readiness coalition
- a member of the local Parent-Teachers Association or Parent-Teacher-Student Association
- a youth selected by the local school system's student government
- a local school board member.

Other members of the council include seven appointments by the Governor, a member of the local legislative delegation, elected officials, children's council appointments, local health and social service agency and coalition representatives, member of a faith-based coalition, chamber of commerce members, representative of a labor organization, county officers, local administrator of Department of Children and Families, juvenile judge, state attorney or designee, and an individual selected by the United Way or equivalent organization. The bill also provides for different term limits for council members, depending on their position and source of appointment.

**Section 2** - Provides an effective date of July 1, 2002.

# POSTSECONDARY

**CS/SB 176: Education/Slain Law Officers/Firefighters**

**Effective Date:** July 1, 2002

**Key Contact:** Lynda Page  
(850) 201-7214  
[Lynda.Page@fldcu.org](mailto:Lynda.Page@fldcu.org)

**Summary:**

The bill broadens the existing educational benefits of the surviving children of law enforcement, correction and probation officers, and firefighters (when killed in line of duty, etc.) to include graduate or post baccalaureate professional degrees until the child's 29<sup>th</sup> birthday.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends s. 112.19, Florida Statutes. It expands the education benefits to the surviving children of law enforcement, correction, and probation officers to include a graduate or post baccalaureate professional degree. It provides that the amount waived by the state shall include other statutorily authorized fees for a vocational-technical certificate or an undergraduate education. It provides that the amount to be waived for graduate and post baccalaureate professional degree programs shall continue until the child's 29<sup>th</sup> birthday. The amount is the cost of matriculation fees and other statutorily authorized fees. It retains the 25<sup>th</sup> birthday for vocational-technical certificates and undergraduate education. It requires state residency for eligibility of graduate or post baccalaureate professional degree programs.

**Section 2** - Amends s. 112.191, Florida Statutes. It does the same as in Section 1 for surviving children of firefighters. Requires the Department of Education to adopt rules.

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**CS/HB 417: Alcoholic Beverages/Students/Curriculum**

**Effective Date:** July 1, 2002

**Key Contact:** Heather R. Sherry  
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[heather@flccs.org](mailto:heather@flccs.org)

**Summary:**

CS/HB 417 provides for an exception to the Beverage Law by allowing an individual to provide an alcoholic beverage to a student who is under 21, but over 18 years of age, if the alcoholic beverage is part of the students required curriculum at an eligible postsecondary institution. The bill stipulates that this exemption is provided only in specific circumstances and subject to specific regulations.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends s. 562.11, Florida Statutes, relating to selling, giving, or serving alcoholic beverages to persons who are under 21 years of age. Provides an exemption for an individual who provides an alcoholic beverage to a student who is 18 years or older if the delivery of such alcoholic beverage is part of the student’s required curriculum at an eligible postsecondary institution. Defines eligible postsecondary institution as one that is institutionally accredited by an agency recognized by the United States Department of Education and is licensed or exempt from licensure pursuant to Chapter 246, Florida Statutes.

Stipulates that: 1) students must be enrolled in college and be required to taste alcoholic beverages that are provided for instructional purposes during classes conducted under the supervision of authorized instructional personnel; 2) students are prohibited from consuming or imbibing alcoholic beverages provided under this exemption; 3) alcoholic beverages must remain at all times in the control and possession of instructional personnel who is 21 years or older; and 3) participating students must execute a waiver and consent in favor of the state and indemnify the state and hold it harmless.

**Section 2** - Amends s. 562.111, Florida Statutes, relating to possession of alcoholic beverages by persons under age 21. Provides an exemption for an individual who provides an alcoholic beverage to a student who is 18 years or older if the delivery of such alcoholic beverage is part of the student’s required curriculum at an eligible postsecondary institution. Defines eligible postsecondary institution as one that is institutionally accredited by an agency recognized by the United States Department of Education and is licensed or exempt from licensure pursuant to Chapter 246, Florida Statutes.

Stipulates that: 1) students must be enrolled in college and be required to taste alcoholic beverages that are provided for instructional purposes during classes conducted under the supervision of authorized instructional personnel; 2) students are prohibited from consuming or imbibing alcoholic beverage (“swish & spit”); and 3) alcoholic beverages remain at all times in the control and possession of instructional personnel who is 21 years or older

**Section 3** - Provides for an effective date of July 1, 2002.

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**SB 496:** Education/Dependent Children/Military

**Effective Date:** Upon Becoming Law

**Key Contact:** Heather R. Sherry  
(850) 488-0555 Ext 111  
[heather@flccs.org](mailto:heather@flccs.org)

**Summary:**

SB 496 provides educational benefits at state expense to dependent children of military personnel who died or suffered 100 percent disability as a result of service in Operation Enduring Freedom. It extends benefits already afforded other dependent children of deceased or disabled veterans from previous military conflicts to those who served in Operation Enduring Freedom.

**Summary by Bill Section (where applicable):**

**Section 1** - Creates s. 295.0185, Florida Statutes, relating to children of deceased or disabled military personnel who participated in Operation Enduring Freedom, which began on October 7, 2001. To be eligible for the benefits, an individual must be the dependent child of military personnel who died or suffered a service-connected 100 percent total and permanent disability, as determined by the United States Department of Veterans Affairs or any branch of the United States Armed Services. Such military personnel must have been residents of the state during the period of military action. A certified copy of the death certificate, a valid identification card issued in accordance with s. 295.17, Florida Statutes, or a letter certifying the service-connected 100 percent total and permanent disability rating from the appropriate entity shall be considered evidence that the dependent of such military personnel is eligible for education benefits.

**Section 2** - Provides that the act take effect upon becoming law.

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**CS/HB 499:            Real Estate Professionals**

**Effective Date:**        July 1, 2002

**Key Contact:**            Sally Kiser  
                                      (850) 488-1721 Ext 188  
                                      [sally@flccs.org](mailto:sally@flccs.org)

**Summary:**

HB 499 provides that a distance-learning course shall be approved as an option to classroom courses that are prerequisites to licensure as a broker, broker-salesperson, or salesperson or for maintenance or renewal of licensure. Satisfactory completion of a distance-learning course requires the satisfactory completion of a timed distance learning course examination; however, the examination shall not be required to be monitored or given at a centralized location.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends s. 475.17, Florida Statutes. Qualifications for practice to add distance-learning courses as an option to classroom courses for licensure providing that a timed exam is required. Provides that satisfactory completion of the post licensure education requirement can be demonstrated by successfully completing a timed distance learning course exam and provides that schools or sponsors have the option of providing classroom courses, distance learning courses, or both.

**Section 2** - Amends s. 475.182, Florida Statutes. Renewal of license; continuing education to add distance learning courses an option to classroom courses.

**Section 3** - Amends s. 475.451, Florida Statutes. Schools teaching real estate practice to specify that the location of classes and frequency of class meetings and the provision of distance learning courses shall be at the discretion of the school offering real estate courses.

**Section 4** - Reenacts s. 475.05, Florida Statutes. Power of commission to enact bylaws and rules and decide questions of practice.

**Section 5** - Amends 475.618, Florida Statutes. Renewal of registration, license, certification or instructor permit; continuing education to allow the option of satisfactory completion of a distance learning course including the completion of a timed distance learning course examination.

**Section 6** - Provides for an effective date of July 1, 2002.

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**SB 1090:                      Student Withdrawal/Military Service**

**Effective Date:**            July 1, 2002

**Key Contact:**                Heather R. Sherry  
   (850) 488-0555 Ext 111  
   [heather@flccs.org](mailto:heather@flccs.org)

**Summary:**

Requires that district school boards, community college boards of trustees, and university boards of trustees establish rules that will allow a student to withdraw from a course due to military service without incurring any financial or academic penalty.

**Summary by Bill Section (where applicable):**

**Section 1** - Requires each district school board, community college board of trustees, and university board of trustees to establish rules, pursuant to Florida Board of Education guidelines, that create standard policies for the treatment of students who serve in the military so that they will not be penalized either financially or academically. If students are called to active military service while enrolled in a public educational institution, they must be given the option to either complete coursework at a later date without penalty or withdraw from coursework and receive a full refund of fees paid. The record of a student who chooses to withdraw under this provision must reflect that the withdrawal was due to active military service.

**Section 2** - Provides for an effective date of July 1, 2002.

**CS/HB 1357:           Death Benefits/Law Enforcement/Firefighters**

**Effective Date:**       July 1, 2002

**Key Contact:**           Lynda Page  
                              (850) 201-7214  
                              [Lynda.Page@fldcu.org](mailto:Lynda.Page@fldcu.org)

**Summary:**

The bill prescribes death benefits for dependents and beneficiaries of a law enforcement, correctional, or correctional probation officer or firefighter. It increases specified death benefits and provides for periodic adjustments to the amount of such benefits. It provides for the state to waive specified educational expenses for spouses and children at certain public educational institutions under specified circumstances.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends s. 112.19, Florida Statutes. It increases from \$25,000 to \$50,000, adjusted by the CPI, the amount payable to law enforcement and correctional officers for the accidental death-in-the-line-of-duty, fresh pursuit, or response to what is believed to be an emergency. Increases from \$75,000 to \$150,000, adjusted by the CPI, the amount payable when an officer or firefighter is unlawfully or by intentional act is killed or dies. Expands the undergraduate educational benefits to include spouses and expands postgraduate education for children and spouses. Educational benefits to a spouse must commence within 5 years of the death and shall continue until 10 years after the death.

**Section 2** - Amends s. 112.191, Florida Statutes. It makes changes as noted in Section 1 for firefighters.

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**HB 1405:               Health Care Practitioners/Student Loans**

**Effective Date:**       Upon Becoming Law

**Key Contact:**           Theresa Antworth  
                              (850) 410-5185  
                              [antwort@mail.doe.state.fl.us](mailto:antwort@mail.doe.state.fl.us)

**Summary:** Amendment to s. 456.074, Florida Statutes. Provides for an emergency order suspending the license of any health care practitioner who has defaulted on student loans issued or guaranteed by the state or federal government, and clarifies grounds for disciplinary action for failing to perform statutory or legal obligation to include failure to repay student loans issued or guaranteed by the state or federal government.

Although the Florida Department of Education, Office of Student Financial Assistance, is a guaranty agency for the Federal Family Education Loan Program, the Department is not

responsible for license suspension, disciplinary action, fine collection, or reporting requirements according to the provisions set forth in HB 1405.

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**SB 1914:**                    **Education Grants**

**Effective Date:**        Upon Becoming Law

**Key Contact:**            Theresa Antworth  
                                  (850) 410-5185  
                                  [antwort@mail.doe.state.fl.us](mailto:antwort@mail.doe.state.fl.us)

**Summary:** This bill amends the provisions of s. 240.409, Florida Statutes, regarding the Florida Public Student Assistance Grant Program, providing eligibility for degree-seeking students enrolled at least 6 semester hours, or the equivalent per term. Current statute requires students to be enrolled full time or at least 12 semester hours, or the equivalent per term. Program length is clarified to allow a student use of the award for 110 percent of the number of credit hours required to complete the educational program.

**Section 1** - Student eligibility as outlined in s. 240.409(2)(a), Florida Statutes, is amended to include students who enroll in at least 6 semester hours, or the equivalent per term. Eligibility is extended to 110 percent of the number of credit hours required to complete the program.

**Section 2** - Effective date upon becoming law.



# PUBLIC EMPLOYEES

**CS/HB 7: Florida National Guard/Residency/Tuition**

**Effective Date:** July 1, 2002

**Key Contact:** Heather R. Sherry  
(850) 488-0555 Ext 111  
[heather@flccs.org](mailto:heather@flccs.org)

**Summary:**

CS/HB 7 revises s. 240.1201, Florida Statutes, relating to the determination of resident status for tuition purposes. The bill provides that active members of the Florida National Guard who meet the requirements for the tuition assistance program established specifically for active National Guard members must be classified as residents for tuition purposes.

**Summary by Bill Section (where applicable):**

**Section 1** - Names the act the "Sergeant Larry Bowman Act"

**Section 2** - Amends s. 240.1201(10)(a), Florida Statutes, to require that active duty members of the Florida National Guard who qualify for the tuition assistance program be classified as Florida residents for tuition purposes.

**Section 3** - Provides for an effective date of July 1, 2002

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**HB 219: Open House Parties**

**Effective Date:** July 1, 2002

**Key Contact:** Lynda Page  
(850) 201-7214  
[Lynda.Page@fldcu.org](mailto:Lynda.Page@fldcu.org)

**Summary:**

This bill addresses open house parties. It revises the definitions involved in the statute. It prohibits persons age 18 or older from allowing open house parties at any residence if alcoholic beverages or drugs are possessed or consumed by a minor. It provides a penalty.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends s. 856.015(1), Florida Statutes, which provides definitions. It clarifies that "person" means an individual 18 years of age or older.

Amends s. 856.015(2), Florida Statutes, to specify that no person having control of any residence shall knowingly allow an open house party to take place at the residence if a

minor possesses or consumes any alcohol beverage or drug and where the person fails to take reasonable steps to prevent the possession or consumption.

Amends s. 856.015(3), Florida Statutes, to exclude alcoholic beverages offered at legally protected religious observances or activities.

Amends s. 856.015(4), Florida Statutes, to make it a second-degree misdemeanor for a person to violate the open house provision.

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**SB 264: Drug-Free Workplaces**

**Effective Date:** October 1, 2002

**Key Contact:** Spessard Boatright  
(850) 921-8699  
[boatris@mail.doe.state.fl.us](mailto:boatris@mail.doe.state.fl.us)

**Summary:**

This bill clarifies that an employer must conduct drug testing of employees and job applicants to qualify as an established drug-free workplace under s. 440.102, Florida Statutes. The bill also requires construction contractors, electrical contractors, and alarm system contractors who contract to perform construction work under state contracts for educational facilities, public property, publicly-owned buildings, and state correctional facilities to implement a drug-free work place program.

This bill substantially amends s. 440.102, Florida Statutes.

**Summary by Bill Sections (where applicable):**

**Section 1** - Contains provisions relating to drug testing requirements by employers.

This section also clarifies the type of State Construction Contracts which must conform to the requirements of a drug-free workplace, which includes all construction work under a state contract for educational facilities governed by Chapter 235, Florida Statutes, or publicly owned-buildings governed by Chapter 255, Florida Statutes, or for state correctional facilities governed by Chapter 944, Florida Statutes. Each contractor contracting for these type construction contracts shall implement a drug-free workplace program.

**Section 2** - Provides an effective date of October 1, 2002.

**CS/HB 807: Florida Retirement System**

**Effective Date:** June 1, 2002

**Key Contact:** Hal Thomas  
(850) 488-8652  
[thomash@mail.doe.state.fl.us](mailto:thomash@mail.doe.state.fl.us)

**Summary:**

This bill amends provision relating to the Public Employee Optional Retirement Program. It establishes a disability benefits program under the PEORP; synchronizes the due dates for employer contributions and accompanying payroll data under the FRS Pension Plan and the FRS Investment Plan; conforms second choice election options for local government employees to the options available to other employees; changes the dates for the present value calculations; updates contribution rates for the FRS Investment Plan disability program; amends provisions related to death benefits payable under the FRS Investment Plan to require spousal notification whenever the designated primary beneficiary is someone other than the spouse; updates certain distribution provisions to conform to recent law changes; provides an effective date.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends s. 121.4501, Florida Statutes. Expands the definition of “eligible employee” to include any renewed member of the Florida Retirement System. Provides for an extension of time to transfer assets from the defined benefit plan if the financial markets are seriously disrupted by unforeseen events. Provides deadline dates for enrolling in the Public Employee Optional Retirement Program. Provides for acceptance of contributions in the form of rollovers or direct trustee-to-trustee transfers. Provides for spousal notification if the participant designates a beneficiary who is not the participant’s spouse. Provides for administration program by authorizing the board to require statement of oath.

**Section 2** - Amends s. 110.123, Florida Statutes. It redefines the terms “retired state officer or employee” or “retiree” to include any state officer or state employee who retires under the Public Employee Optional Retirement Program established under part II of Chapter 121 and meets certain requirements.

**Section 3** - Amends s. 110.205, Florida Statutes, by granting senior management benefits to county health department directors and county health department administrators of the Department of Health.

**Section 4** - Amends s. 121.052, Florida Statutes. Revises the membership class of elected officers to include the Sheriff and Clerk of the Circuit Court in a consolidated government with countywide jurisdiction. Provides clarification that payroll data and contributions from employers of members of the Elected Officers’ Class are due and payable no later than the 5<sup>th</sup> working day of the month immediately following the month during which the payroll period ended.

**Section 5** - Amends s. 121.055, Florida Statutes. Expands the Senior Management Service Class to include the Chief Deputy Court Administrator in each judicial circuit. Allows any state attorney or public defender in the Elected Officers' Class who has creditable service as an assistant state attorney or assistance public defender to participate in the Senior Management Service Optional Annuity Program. Provides clarification that payroll data and contributions from employers of members of the Senior Management Class are due and payable no later than the 5<sup>th</sup> working day of the month immediately following the month during which the payroll period ended. Provides a one-time opportunity for members of the Senior Management Service Optional Annuity Program to move to the Florida Retirement System defined benefit program.

**Section 6** - Amends s. 121.071, Florida Statutes. Provides that effective July 1, 2002, contributions paid under subsections (1) and (4) and accompanying payroll data are due and payable no later than the 5<sup>th</sup> working day of the month immediately following the month during which the payroll period ended.

**Section 7** - Amends s. 121.35, Florida Statutes. Redefines the Board of Regents as the State Board of Education. Replaces "State University System" with "Division of Colleges and Universities". Makes revisions to the State University System's Optional Retirement Program to better align it with provisions in the new Public Employee Optional Retirement Program. Provides for contributions to the Optional Retirement Trust Fund to be made in the form of rollovers or direct trustee-to-trustee transfers. Establishes guidelines for benefits payable under the Optional Retirement Trust Fund to be paid to the participant, the participants' beneficiaries, or the participants' estate by lump-sum distribution or rollover or partial lump-sum distribution or rollover or periodic distributions.

**Section 8** - Amends s. 121.4501, Florida Statutes. Redefines average monthly compensation and covered employment as it relates to the Public Employee Optional Retirement Program. Establishes dates for creditable service and average final compensation estimates for employees enrolling in the Public Employee Optional Retirement Program. Establishes a deadline date for eligible employees to enroll in the Public Employee Optional Retirement Program. Provides for the transfer of employer retirement contributions.

**Section 9** - Creates s. 121.591, Florida Statutes. Provides for the payment of benefits under the Public Employee Optional Retirement Program, including the payment of normal retirement benefits, disability retirement benefits, and death benefits. Benefits may be paid in a lump-sum distribution, a lump-sum direct rollover distribution, or periodic distributions. This section also establishes eligibility requirements for claiming a disability retirement benefit.

**Section 10** - The Legislature determines and declares that this act fulfills an important state interest.

**Section 11** - Grants authority to the Department of Management Service to contract with a private-sector company selected and approved by the department for services to administer the disability program.

**Section 12** - Establishes the intent of the Legislature as it relates to the disability retirement program under the Public Employee Optional Retirement Program. Also, requires the Department of Management Services to seek a private letter ruling from the Internal Revenue Service on the disability retirement program for participants of the Public Employee Optional Retirement Program.

**Section 13** - Amends s. 121.053, Florida Statutes. Provides termination requirements and benefit guidelines for elected officers who are participating in the Deferred Retirement Option Program.

**Section 14** - Amends s. 121.091, Florida Statutes. Eliminates an exemption from termination limitations provided for elected officers.

**Section 15** - Amends s. 121.091, Florida Statutes. Grants authorization and provides guidelines to agencies to re-employ retired members as firefighters or paramedics after the retired member has been retired for one calendar month. Eliminates an exemption from termination limitations provided for elected officers.

**Section 16** - Amends s. 121.0515, Florida Statutes. Provides that service in fire prevention or firefighter training is included in creditable service. Allow certain members of the Special Risk Class to purchase creditable service earned in another class.

**Section 17** - Provides the intent of the Legislature that any additional cost to upgrade retirement benefits for special risk members shall be funded by excess actuarial assets of the Florida Retirement System Trust Fund.

**Section 18** - Amends s. 121.021(22), Florida Statutes, to add paragraph 6 which defines compensation for the purposes of determining retirement to include supplements paid to Mentor Teachers as prescribed in s. 231.700, Florida Statutes, Florida Mentor Teacher School Pilot Program and supplements paid to National Board of Certified Teachers pursuant to s. 236.08106, Florida Statutes.

**Section 19** - Provides an effective date of June 1, 2002

# PUBLIC RECORDS

**SB 140: Public Records/Crimes**

**Effective Date:** July 1, 2002

**Key Contact:** Sydney H. McKenzie III  
(850) 201-7386  
[syd.mckenzie@flboe.org](mailto:syd.mckenzie@flboe.org)

**Summary:**

This bill creates s. 817.569, Florida Statutes, which provides that a person who knowingly uses any public record, as defined by Section 119.011, Florida Statutes, or who knowingly uses information obtainable only through such public record, to facilitate the commission of a misdemeanor of the first degree or a felony commits, respectively, a misdemeanor of the first degree or a felony of the third degree (in addition to the initial crime). The bill also amends s. 921.0022, Florida Statutes, to designate the use of a public record or public records information to facilitate the commission of a felony as a third degree felony.

**Summary by Bill Section (where applicable):**

**Section 1** - Creates s. 817.569, Florida Statutes, which provides that a person who knowingly uses any public record, as defined by s. 119.011, Florida Statutes, or who knowingly uses information obtainable only through such public record, to facilitate the commission of a misdemeanor of the first degree or a felony commits, respectively, a misdemeanor of the first degree or a felony of the third degree (in addition to the initial crime).

**Section 2** - Amends s. 921.0022, Florida Statutes, to designate the use of public record or public records information to facilitate the commission of a felony as a third degree felony.

**Section 3** - Provides that the act shall become effective on July 1, 2002.

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**CS/HB 777: Public Records/Business Information**

**Effective Date:** Upon Becoming Law

**Key Contact:** Sydney H. McKenzie III  
(850) 201-7386  
[syd.mckenzie@flboe.org](mailto:syd.mckenzie@flboe.org)

**Summary:**

The bill, as related to education, amends s 443.1715, Florida Statutes, which provides that information revealing the employing unit's or individual's identity obtained from the employing unit or from any individual pursuant to the administration of Chapter 443, Florida Statutes, Unemployment Compensation, and any determination revealing such



information, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending, must be held confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I, of the State Constitution. Such information may be made available only to public employees in the performance of their public duties. The Section is amended to specifically include employees of the Department of Education in obtaining information for the Florida Education and Training Placement Information Program.

**Summary by Bill Section (where applicable):**

**Section 3** - Amends s. 443.1715, Florida Statutes, which provides that information revealing the employing unit's or individual's identity obtained from the employing unit or from any individual pursuant to the administration of Chapter 443, Florida Statutes, and any determination revealing such information, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending, must be held confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I, of the State Constitution. Such information may be made available only to public employees in the performance of their public duties, to include employees of the Department of Education in obtaining information for the Florida Education and Training Placement Information Program.

**Section 5** - Provides the act shall take effect upon becoming law.

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**CS/HB 1679:            Public Records/Study Commission**

**Effective Date:**        Upon Becoming Law

**Key Contact:**            Sydney H. McKenzie III  
                                  (850) 201-7386  
                                  [syd.mckenzie@flboe.org](mailto:syd.mckenzie@flboe.org)

**Summary:**

The bill, as it relates to education, creates a Study Commission on Public Records. The 22 persons committee includes one representative of the Department of Education, who is appointed by the governor. This representative serves in an advisory, non-voting capacity. The representative must be appointed within 30 days after the effective date of the act. The committee is directed to review the issues of privacy and public access as they relate to the collection and dissemination of information contained in all public records, and specifically in court records. The committee is terminated on June 30, 2003.

**Summary by Bill Section (where applicable):**

**Section 1** - Creates the Study Committee on public records and established membership and duties. Provides for one member of the 22 members to be a representative from the Department of Education, who will be among nine members serving on an advisory, non-voting capacity. Provides that members must be appointed within 30 days after the effective date of the Act. Provides that the committee shall address the issues of privacy

and public access or as they relate to the collection and dissemination of information contained in all official records, and specifically in court records.

**Section 3** - Appropriates from the General Revenue Fund to the Executive Office of the Governor the sum of \$25,000, for the purpose of reimbursement for per diem and travel expenses.

**Section 4** - Provides that the act shall take effect upon becoming law

# **SAFETY/HEALTH**

**HB 341:**                    **UWF/Nursing & FAU/Social Work**

**Effective Date:**        Upon Becoming Law

**Key Contact:**            Gita Wijesinghe Pitter  
                                  (850) 201-7190  
                                  [Gita.pitter@fldcu.org](mailto:Gita.pitter@fldcu.org)

**Summary:**

Authorizes a Bachelor of Science degree program in nursing at the University of West Florida and a Master's in social work degree program at Florida Atlantic University.

**Summary by Bill Section (where applicable):**

**Section 1** - Authorizes a Bachelor of Science in nursing degree program at the University of West Florida.

**Section 2** - Authorizes a master's in social work degree program at Florida Atlantic University.

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**CS/HB 443:**                **Fire Safety Standards/Educational Facilities**

**Effective Date:**        July 1, 2002

**Key Contact:**            Jack Villagomez  
                                  (850) 488-3260  
                                  [villagj@mail.doe.state.fl.us](mailto:villagj@mail.doe.state.fl.us)

**Summary:**

The bill provides for a transition of enforcement authority of fire safety standards, as regards to public schools and community colleges, from the Commissioner of Education to the State Fire Marshal (SFM). The bill amends s. 235.06, 235.26, 633.01, and 633.022, Florida Statutes, to reflect this transition as described in the following section-by-section analysis:

**Summary by Bill Section:**

**Section 1** - Amends s. 235.06, Florida Statutes, requiring the Commissioner of Education to adopt standards for the safety and health of educational facility occupants as called for in s. 235.26, Florida Statutes, except that for fire safety the SFM, in consultation with the Commissioner of Education, shall adopt standards to be administered and enforced by local fire officials for these facilities as provided in s. 633.022(1)(b), Florida Statutes, and also a fire safety evaluation system to be used as an alternative to current prescriptive code standards for inspections.

School boards must still provide for periodic inspections for casualty safety and sanitation and also, as currently required, for fire safety inspections performed by fire

safety inspectors certified by the SFM. The bill adds that the board must now submit a copy of the fire safety inspection report to the SFM and any local fire official performing inspections and that the report shall include a plan and schedule for correction that has been formulated with the local fire official.

The bill adds that one fire safety inspection of all educational facilities must be done each fiscal year by the county, municipality, or special fire control district where the educational facility is located using the standards adopted by the SFM and further requires that the board cooperate with the particular fire safety authority. The bill also calls for each fire safety inspection report by the local fire official to include a plan of action worked out in cooperation with the board; where life-threatening deficiencies are found, the official shall require the board to remove the facility from use until corrections are made, subject to review by the SFM who shall act within 10 days to ensure that these corrections are made or remove the facility from use.

The bill directs the local fire safety official to immediately inform the SFM when the board has failed to take corrective action within the timeframe designated in the agreed upon plan of action. The SFM would then exercise that enforcement authority given the SFM over all other buildings and structures per Chapter 633, Florida Statutes.

The bill provides for the SFM to adopt and administer rules for safety and health of occupants in educational facilities and designates serious life-safety hazards to include, but not be limited to; non-functional fire alarms, non-functional sprinkler systems, doors improperly restrained, inadequate exits, hazardous electrical conditions, potential structural failure, storage conditions creating potential fire hazards, and any other condition deemed hazardous by the inspecting authority. Other considerations noted are the proper placement of functional smoke and heat detectors and fire extinguishers and the maintenance of fire doors with no improper restraints.

The bill calls for the SFM to publish an annual report to the Legislature, the Commissioner of Education, and the Governor on the status of each board's fire safety program.

**Section 2** - Amends the language of s. 633.01, Florida Statutes, to conform to the changes taking place in s. 633.022, 235.06 and 235.26 Florida Statutes, as a result of this bill.

**Section 3** - Deletes from s. 633.022(1)(b), Florida Statutes, the current qualification that *"...with respect to public schools, the department shall utilize fire safety standards that have been adopted by the State Board of Education,"* the department here being the Department of Insurance (SFM). The intent here is to clearly place final enforcement authority for public schools with the SFM. This function had previously been an exception.

**Section 4** - Establishes 6 FTE positions in the Division of SFM to help implement the provisions of this act.

**Section 5** - Amends s. 633.01, Florida Statutes, to keep any manufacturer of fire extinguishers or pre-engineered systems from prohibiting the servicing of any particular extinguisher or system by a licensee who has received appropriate training described in this section by the SFM. Permits and permittees are defined for the type of service being provided and a fee structure is established for the particular service provided.

**Section 6** - Specifies that the effective date of this act shall be July 1, 2002

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**CS/CS/CS/HB 519:**                      **Nursing Shortage Solutions Act**

**Effective Date:**                      Upon Becoming Law

**Key Contact:**                         Sally Kiser  
(850) 488-1721 Ext 188  
[sally@flccs.org](mailto:sally@flccs.org)

Judy Conlin  
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**Summary:**

The Act amends provisions related to the Nursing Student Loan Forgiveness Program to allow the Department of Health to make repayments of up to \$4,000 a year for selected graduates of accredited nursing programs; clarifies that recipients of Nursing Scholarships already in statute can attend associate degree programs, as well as baccalaureate and graduate programs; creates a grant program within the K-12 system called the Sunshine Workforce Solutions Grant Program that will encourage students to choose a nursing career; prohibits the State Board of Nursing (BON) from adopting rules that restrict more than one nursing program from using the same facilities for clinicals; prohibits the BON from adopting rules that limit enrollment in nursing programs provided faculty/student ratios are maintained; exempts programs accredited by nursing accreditation body from rules of the BON provided certain criteria are met with regard to passing rates on required licensure exam; provides for review of programs that fall below required passing rates for two consecutive years; provides an exemption from licensure for a nurse licensed in a territory of the United States; and creates a public school volunteer health care practitioner program.

**Summary by Bill Section (where applicable):**

**Section 1** - Titles HB 519 as the “Nursing Shortage Solutions Act.”

**Section 2** - Amends s. 240.4075, Florida Statutes, clarifies that the Department of Health may make loan repayments of up to \$4,000 a year for up to 4 years for selected graduates of an accredited or approved nursing program contingent on continued proof of employment in designated facilities. Students receiving a nursing scholarship pursuant to s. 240.4076 Florida Statutes, are not eligible to participate in the Nursing Student Loan Forgiveness Program.

**Section 3** - Amends s. 240.4076, Florida Statutes, clarifies that an applicant to the Nursing Scholarship program shall be enrolled in an approved nursing program leading to the award of an associate degree, a baccalaureate degree or a graduate degree in nursing. Recipients must complete the program, be employed as a nurse at an approved health care facility and complete 12 months of employment for each year of scholarship assistance or repay the scholarship.

**Section 4** - Creates the Sunshine Workforce Solutions Grant Program to provide grants to school districts on a competitive basis to fund all or some of the costs associated with establishing an exploratory program in nursing at the middle school level or a comprehensive career and technical education program within a high school that provides a program of study in nursing that will provide a seamless transition to an appropriate postsecondary institution or employment. Such program must be certified or endorsed by the Florida Board of Nursing. There must be an articulation agreement that provides a seamless transition from one level to the next without a loss of credit to the student. Work based learning must be a part of such a program.

**Section 5** - Amends s. 464.009, Florida Statutes, Licensure by endorsement; to add "territory of the United States" to endorsement rules. Allows endorsement for those who have actively practiced nursing in another state, jurisdiction or territory of the United States for 2 of the preceding 3 years without having his license acted against. Such applicants must complete a Florida law and rules course within 6 months of licensure. This endorsement practice is in effect only until July 1, 2004 unless reenacted.

**Section 6** - Amends s. 464.018, Florida Statutes, Disciplinary actions: "Failing to meet minimal standards of acceptable and prevailing nursing practice, including engaging in acts for which the licensee is not qualified by training or experience" as grounds for denial of a license or disciplinary action.

**Section 7** - Amends s. 464.019, Florida Statutes, Approval of nursing programs; approval of nursing programs by the Board of Nursing is amended and rules regarding educational objectives and curriculum guidelines shall be adopted by the Board of Nursing. No rule that prohibits a qualified institution from placing a student in a facility for clinical experience, regardless of whether more than one nursing program is using the same facility, nor any rule that limits the number of students admitted to a nursing program, provided appropriate faculty to student ratios are maintained, and provided the board shall not enact any changes to faculty-to-student ratios prior to 2004 shall be adopted. However, any nursing program that maintains accreditation through a nursing accrediting body recognized by the USDOE does not need Board review as long as the program maintains a student pass rate on the NCLEX of not less than 10 percentage points below the national average pass rate. If such passing rate is below this standard for 2 consecutive years, the program must be reviewed by the Board.

**Section 8** - Amends s. 464.022, Florida Statutes, Exceptions to provide an exemption from licensure for a nurse licensed in a territory of the United States.

**Section 9** - Creates s. 381.00593, Florida Statutes, to establish the Public School Volunteer Health Care Practitioner Program to coordinate with School Health Services Act. Any health care practitioner who participates in this program agrees to provide his, or her services without compensation, in a public school for at least 80 hours a year for each school year during the biennial licensure period, or, if the health practitioner is retired, for at least 400 hours a year for each school year during the licensure period. Such volunteers shall be eligible for waiver of their biennial licensure fee, and fulfillment of 25% of their continuing education hours.

**Section 10** - Provides a schedule for implementation of the newly created public school volunteer health care practitioner program. Required forms and procedures must be completed and distributed to the school districts by November 30, 2002. School districts are required to make application forms and other materials available to all public schools in the district within 1 month after the forms and procedures are completed and distributed to the school district. Publication of the program is also required within 1 month after completion and distribution of forms and procedures to the school district.

**Section 11** - Provides that the act take effect upon becoming law.

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**SB 612: Carisoprodol/Controlled Substance**

**Effective Date:** July 1, 2002

**Key Contact:** Lynda Page  
(850) 201-7214  
[Lynda.Page@fldcu.org](mailto:Lynda.Page@fldcu.org)

**Summary:**

The bill adds carisoprodol to Schedule IV of the controlled substance standards and schedules. In order to incorporate this new drug into other sections of law, the bill reenacts provisions relative to driving under the influence, persons under 21 years of age driving with a blood-alcohol or breath-alcohol level in excess of a specified threshold, boating under the influence, drug-free workplace program requirements, treatment of intractable pain, sale of substance in lieu of controlled substance, counterfeit controlled substances, open house parties, the definition of "controlled substance," prohibited acts involving controlled substances, and the offense severity ranking chart.

**Summary by Bill Section (where applicable):**

**Section 5** - Reenacts s. 440.102 (11)(b), Florida Statutes. Drug-free workplace program requirements; the portion on public employees in safety-sensitive or special-risk positions in order to incorporate the newly added drug in s. 893.03, Florida Statutes.



**Section 6** - Reenacts s. 458.326 (3), Florida Statutes. Intractable pain; authorized treatment by physician in order to incorporate the newly added drug in 893.03 Florida Statutes.

**Section 9** - Reenacts s. 859.015 (1)(d), Florida Statutes. Open house parties; definition of drug in order to incorporate the newly added drug in 893.03 Florida Statutes

**Section 11** - Reenacts s. 893.13 (1)(c), Florida Statutes, as it relates to being unlawful to sell, manufacture, or deliver, or possess with the intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of a public or private elementary, middle, or secondary school between the hours of 6 a.m. and 12 a.m. in order to incorporate the newly added drug in 893.03 Florida Statutes.

Reenacts 893.13 (1)(d), Florida Statutes, as it relates to being unlawful to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 200 feet of the real property comprising a public or private college, university, or other postsecondary institution in order to incorporate the newly added drug in 893.03, Florida Statutes.

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**SB 626:                      Laser Lighting Devices**

**Effective Date:**        October 1, 2002

**Key Contact:**            Julie Collins  
                                  (850) 414-7778  
                                  [collinj@mail.doe.state.fl.us](mailto:collinj@mail.doe.state.fl.us)

**Summary:** Creates s. 784.062, Florida Statutes, which provides penalties for aiming a laser pointer at an on-duty law enforcement officer.

**Summary by Bill Section:**

**Section 1** - Defines a laser lighting device and provides for non-criminal penalties for any person who intentionally focuses the beam of a laser lighting device at an on-duty law enforcement officer in a way that would cause a reasonable person to believe that a firearm is being pointed at them.

The provision of this section could have implications for schools if a person on school grounds or transportation or at a school-sponsored event should aim a laser pointer at a school resource officer or other law enforcement officer in such a way as described above.

The bill does not assign specific functions to schools or school districts.

Section 2 - Provides for an effective date of October 1, 2002.

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**SB 716:**                    **Domestic Violence**

**Effective Date:**        January 1, 2003

**Key Contact:**            Nancy Benda  
                                  (850) 488-6217  
                                  [bendan@mail.doe.state.fl.us](mailto:bendan@mail.doe.state.fl.us)

**Summary:**

The act relating to domestic violence, amends various laws; section 21 of SB 716 amends s. 784.046, Florida Statutes, to include dating violence among the repeat violence offenses for protective injunction.

**Summary by Bill Section (where applicable):**

**Section 21** - Effective January 1, 2003, specifies that s. 784.046, Florida Statutes, is amended to include:

784.046(1)(a), Florida Statutes, expands the meaning of “violence” to include aggravated assault, aggravated battery, sexual assault, aggravated stalking, kidnapping, or false imprisonment, or criminal offense resulting in physical injury or death.

784.046(1)(c), Florida Statutes, adds a definition for “Dating violence” and specifically excludes violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

784.046(2), Florida Statutes, creates a separate cause of action for an injunction for protection in cases of dating violence.

784.046(2)(b), Florida Statutes, specifies that in addition to persons who are victims of dating violence and those in danger of becoming victims, this subsection provides that the parent or guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence on behalf of the minor child, has standing in the circuit court to file a petition for an injunction.

The provisions of s.784.046, Florida Statutes, could have implications for schools if the protective injunction prohibits contact between the perpetrator and the victim and the victim is a student in the same school or is transported on the same bus as the perpetrator.

The bill does not assign specific functions to schools or school districts.

**Section 24** - Provides an effective date of January 1, 2003.

**HB 841: Sexual Predators/Offenders**

**Effective Date:** July 1, 2002

**Key Contact:** Nell Kelly  
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[Nell.Kelly@fldcu.org](mailto:Nell.Kelly@fldcu.org)

**Summary:**

The bill revises provisions relative to sexual predators and sexual offenders. It defines the terms "institution of higher education" and "change in enrollment or employment status" for the purposes of the Florida Sexual Predators Act. It provides additional registration requirements with respect to sexual predators who are enrolled, employed, or carrying on a vocation at an institution of higher education. It provides requirements with respect to changes in the name or residence of a sexual predator. It requires the sheriff to promptly provide to the Department of Law Enforcement certain information received from the sexual predator. It increases a time period for an agency to move to modify or set aside certain orders or injunctions with respect to an agency's performance of a duty imposed under the laws governing sexual predators or sexual offenders. In the Department of Law Enforcement Act it redefines the term "sexual offender" and defines the terms "institution of higher education" and "change in enrollment or employment status". It aligns other provisions with the Sexual Predators Act. It revises provisions relating to sexual offenders who may petition for removal of registration requirements. It provides legislative findings. Adds definitions of "institution of higher education" and "change in enrollment or employment status" in The Florida Corrections Code and further aligns it with the Sexual Predators Act. It makes it the duty of the court to uphold laws governing sexual predators and sexual offenders. It provides for the testing of certain persons for HIV under certain circumstances. It requires the disclosure of the results of such a test within a proscribed time.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends s. 775.21(2) and (6), Florida Statutes. Adds a definition in the Florida Sexual Predators Act for "institution of higher education" and "change in enrollment or employment status". Applies to publics and privates. Provides that if the sexual predator is enrolled, employed, or carrying on a vocation at an institution of higher education in Florida, he/she must provide to the Department of Law Enforcement the name, address, and county of each institution including each campus attended, and the sexual predator's enrollment or employment status. Also requires changes in enrollment or employment status to be reported in person within 48 hours at the sheriff's office or the Department of Corrections if under the custody/control of Corrections. The sheriff or Department of Corrections is required to promptly notify each institution of the sexual predator's presence and any change in enrollment or employment status.

**Section 2** - Amends s. 775.24(3), Florida Statutes. Extends from 60 days to 1 year the time within which an affected agency has the opportunity to file a motion in court.

**Section 3** - Amends s. 943.0435, Florida Statutes. Adds definitions of “institution of higher education” and “change in enrollment or employment status” and makes the same reporting provisions as noted in Section 1 above. Redefines the term “sexual offender”.

**Section 4** - Creates s. 943.0436, Florida Statutes. Specifies that it is the duty of the court to uphold these laws and provides that a court may not enter an order that violates certain provisions. States that if the court enters an order that affects an agency’s performance of a duty imposed under the laws governing sexual predators or sexual offenders, or that limits the agency’s exercise of authority conferred under such laws, the affected agency is strongly encouraged by the Legislature to file, in the court that entered such order, a motion to move, modify or set aside the order, if it is an injunction move to dissolve. Specifies some of the grounds for granting such motion.

**Section 6** - Amends s. 944.607 (1) and (4), Florida Statutes. Adds definitions of “institution of higher education” and “change in enrollment or employment status” and makes the same reporting provisions as noted in Section 1 above.

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**HB 1177:                      Direct Support Organizations**

**Effective Date:**            Upon Becoming Law

**Key Contact:**                Nell Kelly  
   (850) 201-7212  
   [Nell.Kelly@fldcu.org](mailto:Nell.Kelly@fldcu.org)

**Summary:**

This bill relates to direct-support organizations for several agencies. One section revises provisions relating to restricted activities of university direct-support organizations. It speaks to any gift the organization gives, either directly or indirectly, valued in excess of \$1000. It requires a report. Another section speaks similarly relative to community college direct support organizations.

**Summary by Bill Section (where applicable):**

**Section 4** - Amends s. 240.299 (4), Florida Statutes. It does not allow, under any circumstances, a university direct support organization to give directly or indirectly any gift to a political committee or committee of continuous existence as defined in s. 106.011, Florida Statutes. Any gift the organization gives, either directly or indirectly, valued in excess of \$1000 must be immediately reported to the appropriate board of trustees. The report must include the amount or nature of the gift, the recipient of the gift, the relationship of the gift to the educational mission of the institution, and the benefit of the gift to the institution. The boards of trustees shall forward such information to the State Board of Education by December 31 of each year.

**Section 5** - Amends s. 240.3315 (4)(c), Florida Statutes. Establishes the same provisions for community colleges as in Section 4 above.

**HB 1181: Safe Paths to Schools Program**

**Effective Date:** July 1, 2002

**Key Contact:** Spessard Boatright  
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[boatris@mail.doe.state.fl.us](mailto:boatris@mail.doe.state.fl.us)

**Summary:**

This bill establishes the Safe Paths to Schools Program in the Department of Transportation. The program requires consideration of the planning and construction of bicycle and pedestrian ways, and authorizes a grant program to fund the projects.

**Summary by Bill Section (where applicable):**

**Section 1** - The Florida Department of Transportation (DOT) has added to its responsibility the "Safe Paths to Schools Program," s. 335.066, Florida Statutes. The new program is created within DOT and is designed to coordinate the planning and construction of bicycle and pedestrian pathways that provide safe transportation for children from their neighborhoods to schools, parks, and state greenways and trails.

DOT is given the discretion to establish a grant program to fund local, regional, and state bicycle and pedestrian pathway projects that support the program. However, the bill identifies no specific funding source for the program.

The bill also gives DOT rulemaking authority to implement the program.

**Section 2** - The bill takes effect July 1, 2002.

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**HB 1423: School Safety Zone**

**Effective Date:** July 1, 2002

**Key Contact:** Julie Collins  
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**Summary:**

The bill creates a new section to define a "school safety zone" and limits who may be in such zone an hour before, during, and an hour after school.

**Summary by Bill Section (where applicable):**

**Section 1** - Creates s. 810.0975, Florida Statutes, which defines a "school safety zone" and limits who may be in such zone an hour before, during, and an hour after school. "School safety zone" is defined as "in, on, or within 500 feet of any real property owned by or leased to any public or private elementary, middle, or high school or school board

and used for elementary, middle, or high school education.” The bill prohibits persons without legitimate business in a school safety zone from entering or remaining in the zone an hour before, during, and an hour after school or if specifically ordered to leave by the principal or his or her designee and provides penalties (second degree misdemeanor). Residents or those operating a licensed business in the zone are exempt.

**Section 2** - Provides an effective date of July 1, 2002.

# **TEACHERS AND STAFF**

**CS/HB 353:**           **State Universities/Boards of Trustees**

**Effective Date:**     July 1, 2002

**Key Contact:**        Richard P. Stevens  
                          (850) 201-7202  
                          [richard.stevens@fldcu.org](mailto:richard.stevens@fldcu.org)

**Summary:**

This bill revises the membership of state university boards of trustees. It provides requirements for university student governments, the adoption of internal procedures and for review of an internal procedure disapproved by a university president. It provides procedures for suspension and removal of student government officers. It revises the membership of the Board of Trustees of New College of Florida. It repeals the statute relating to the suspension and removal of elected student government officials at state universities and community colleges.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends s. 229.003(4), Florida Statutes. Clarifies that the student body president elected on the main campus shall serve ex officio as a voting member of the board of trustees.

**Section 2** - Amends s. 229.008(1)(a), Florida Statutes. Clarifies that Governor appoints 12-member board of trustees for each university in the State University System and that the 13<sup>th</sup> member is the student body president elected on the main campus who serves ex officio as a voting member.

**Section 3** - Creates s. 240.236, Florida Statutes. Establishes in law the creation of student governments on the main campuses of each state university. Permits each university board of trustees to establish a student government on any branch campus or center. Specifies that each student government shall be organized and maintained by students and minimally requires there to be a student body president, student legislative body, and a student judiciary. Prescribes elections for student body president and student legislative body and permits interim vacancies and student judiciary to be filled by other than elections. Requires the adoption of internal procedures. Specifies that the student government shall determine suspension, removal, and discipline of officers of the student government. Requires that petitions for removal of an officer must state the cause as malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or conviction of a felony. Conviction of a felony requires suspension and removal of officer. If the university president disapproves an internal procedure, a member of the university board of trustees may request a review of the disapproved procedure at the next meeting of the board of trustees.

**Section 4** - Amends s. 240.5277(3), Florida Statutes. Provides for the student body president of New College to be an ex officio member of the university board of trustees.



**Section 5** - Repeals s. 240.136, Florida Statutes. Suspension and removal from office of elected student government officials; referendum. This section of law addressed both universities and community colleges.

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**SB 916:**                    **Excellent Teaching Program Trust Fund**

**Effective Date:**        July 1, 2002

**Key Contact:**            David Ashburn  
                                  (850) 487-0537  
                                  [ashburd@mail.doe.state.fl.us](mailto:ashburd@mail.doe.state.fl.us)

**Summary:**

This legislation terminates and re-creates the Excellent Teaching Program Trust Fund, effective July 1, 2002. The Excellent Teaching Program Trust Fund is administered by the Department of Education.

**Summary by Bill Section (where applicable):**

**Section 1** - This section re-creates the Excellent Teaching Program Trust Fund within the Department of Education, which is terminated per Section 19 (f), Article III of the State Constitution on July 1, 2002.

All current balances of the trust fund are carried forward and all current sources and uses of the trust fund are continued.

**Section 2** - Amends s. 236.08107, Florida Statutes, to remove language regarding termination of this trust fund.

**Section 3** - Provides an effective date of July 1, 2002.

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**CS/HB 1661:**            **School Advisory Councils**

**Effective Date:**        July 1, 2002

**Key Contact:**            Andrea Willett  
                                  (850) 487-8780  
                                  [willeta@mail.doe.state.fl.us](mailto:willeta@mail.doe.state.fl.us)

**Summary:**

This bill requires school advisory councils to adopt bylaws that include specified procedures. District school boards may review all proposed bylaws and must maintain a record of minutes of council meetings.

**Summary by Bill Section (where applicable):**

**Section 1** - The proposed amendments to this bill delineate the legislative expectation that all school advisory councils in the state will have bylaws that establish specific requirements or procedures.

- Votes may only be taken if a quorum is present. (A quorum is defined as a majority of the membership of the council.)
- At least a three-day written, advance notice must be given to all council members when a matter is coming before the council that requires a vote.
- Meetings should be scheduled when all stakeholders can attend.
- Members with two unexcused consecutive absences from a properly noticed meeting should be replaced.
- Meetings must have minutes recorded.

Further, district school boards may review each set of bylaws but are not required to approve them and must maintain a record of the minutes of council meetings for each of their schools.

**Section 2** - The effective date of this act is July 1, 2002.

# WORKFORCE DEVELOPMENT

**CS/HB 1641: Criminal Justice Standards**

**Effective Date:** July 1, 2002

**Key Contact:** Mary Crew  
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**Summary:**

This Act revises several provisions in Chapter 943, Florida Statutes, Department of Law Enforcement, including provisions related to the Criminal Justice Standards and Training Commission and local training programs.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends s. 943.12, Florida Statutes, relating to the Criminal Justice Standards and Training Commission to allow the Florida Department of Law Enforcement (FDLE) to conduct official inquiries of criminal justice training instructors who are certified by the commission.

**Section 2** - Amends s. 943.13, Florida Statutes, relating to officers' minimum qualifications to authorize physician assistants to conduct physical exams of officers for applicant certification.

**Section 3** - Amends s. 943.131, Florida Statutes, relating to temporary employment or appointment, by clarifying that authorization for temporary employment does not end if a person fails an individual course within the basic recruit training program. It also provides for certification of officers from other jurisdictions who pass exams and show proficiencies in specific skills without requiring these officers to repeat basic training.

**Section 4** - Repeals (1)(c) of s. 943.135, Florida Statutes, relating to continued employment of officers. Employing agencies are no longer required to offer remediation programs for officers unable to complete continuing education/training for officers identified with learning disabilities. This only applies to continuing education/training.

**Section 5** - Amends provisions of s. 934.14, Florida Statutes, relating to commission-certified training programs. Modifies requirements for approval of courses and provides flexibility with regard to sharing fingerprints if an employing agency has already taken the fingerprints.

**Section 6** - Amends s. 943.17, Florida Statutes, relating to basic recruit, advanced, and career development training programs to permit the commission to revise entry requirements for training programs and adopt new training programs.

**Section 7** - Amends s. 943.173, Florida Statutes, relating to examinations, with technical changes.

**Section 8** - Repeals (2) of s. 943.175, Florida Statutes, relating to in-service training.

**Section 9** - Amends s. 943.22, Florida Statutes, relating to the salary incentive program by replacing the reference to the American Association of Collegiate Registrars and Admissions Officers with the Accrediting Commission for Independent Colleges and Schools.

**Section 10** - Amends s. 943.25, Florida Statutes, relating to the criminal justice trust fund, by making technical changes.

**Section 11** - Amends s. 316.640, Florida Statutes, relating to the traffic laws, by revising provisions relating to traffic accident investigation training to remove a requirement for completion of 200 hours of instruction.

**Section 13** - Establishes effective date of July 1, 2002 unless otherwise noted in the bill.

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**CS/HB 1643:            Department of Labor and Employment Security**

**Effective Date:**        July 1, 2002

**Key Contact:**            Larry Taylor  
                                  (850) 921-5910 Ext 210  
                                  [taylola@vr.doe.state.fl.us](mailto:taylola@vr.doe.state.fl.us)

**Summary:**

This bill dissolves the Department of Labor and Employment Security and transfers personnel and resources of the department, by type two transfer, to several other government departments and agencies. Workers' Compensation Rehabilitation and Reemployment Services is transferred to the Department of Education.

**Summary by Bill Section (where applicable):**

**Section 1** - This section handles all of the transfers of the various remaining parts of the Department of Labor and Employment Security (DLES) to the other parts of state government. The Department of Education (DOE) gets all full-time equivalent positions and the funding for salaries and benefits, other capital outlay and expenses related to the rehabilitation and reemployment of injured workers through a type two transfer. DOE also picks up the records, property, and unexpended balances of appropriations, allocations and other funds and resources of the Office of the Secretary and the Office of the Administrative Services of DLES which support the functions and activities of the rehabilitation and reemployment section just transferred. This includes any binding contracts or interagency agreements existing before July 1, 2002, and does not affect the validity of any judicial or administrative proceeding which is pending as of the effective date of this act.

**Section 10** - Amends s. 440.015, Florida Statutes, and reflects the Legislative Intent. Each recipient of a part of the DLES is expected to administer the Workers' Compensation Law in a prompt and effective manner.

**Section 45** - Amends s. 440.44, Florida Statutes, to express the intent that each recipient of a portion of DLES assumes an active and forceful role in the administration of the act.

**Section 47** - Amends s. 440.49, Florida Statutes, makes technical changes by adding the DOE to the preferred worker program.

**Section 48** - Amends s. 440.491, Florida Statutes, which defines the DOE as the "Department" for this section by adding subpart (b) and then conforms the rest of the section language.

**Section 55** - Amends s. 440.591, Florida Statutes, giving the DOE and others rulemaking authority.

**Section 70** - Provides that if any provision of this act or its application is held invalid, it does not affect other provisions of the act.

**Section 71** - Provides an effective date, unless otherwise specified, as July 1, 2002.

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**CS/CS/HB 1825: Vocational Rehabilitation**

**Effective Date:** Upon Becoming Law

**Key Contact:** Larry Taylor  
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[taylola@vr.doe.state.fl.us](mailto:taylola@vr.doe.state.fl.us)

**Summary:**

The bill defines terms relating to vocational rehabilitation, it requires the Division of Vocational Rehabilitation (DVR) to develop a 5-year plan that prioritizes any additional initiatives and provides requirements for the plan; it further requires the DVR to assure that providers of direct services maintain quality-assurance and due-diligence regarding services; it renames the Rehabilitation Advisory Council as the Rehabilitation Council and revises council membership and duties; it revises a cross-reference to conform the division's transfer to the Department of Education; it requires the Office of Program Policy Analysis and Government Accountability to conduct a review; and it abolishes the Occupational Access and Opportunity Commission.

**Summary by Bill Section:**

**Section 1** - Amends s. 20.15, Florida Statutes, to add the Division of Vocational Rehabilitation to the Department of Education.

**Section 2** - Amends s. 20.171, Florida Statutes, by removing the Division of Vocational Rehabilitation from the Department of Labor and Employment Security.

**Section 3** - Amends s. 229.003, Florida Statutes, to show the creation of a Division of Vocational Rehabilitation within the Department of Education.

**Section 4** - Amends s. 229.004, Florida Statutes, to require that the work of the director of the Division of Vocational Rehabilitation is to establish and maintain optimal efficiency of the division within the guidelines of law.

**Section 5** - Amends s. 229.0073, Florida Statutes for technical amendment.

**Section 6** – Amends s. 413.20, Florida Statutes, to clarify and add new definitions used in this part. Makes technical changes as well.

**Section 7** - Creates s. 413.201, Florida Statutes, which places the Department of Education as the designated state agency in compliance with the Vocational Rehabilitation Act of 1973, as amended.

**Section 8** - Creates s. 413.202, Florida Statutes, which places the Division of Vocational Rehabilitation as the designated state administrative unit in compliance with the Vocational Rehabilitation Act of 1973, as amended.

**Section 9** - Creates s. 413.203, Florida Statutes, which establishes as the intent of the Legislature that this bill not conflict with any federal statute.

**Section 10** - Creates s. 413.206, Florida Statutes, which creates the requirement for a 5-year plan of operation. First, the division must identify weaknesses in service capacity and program performance by October 1, 2002. The 5-year plan will address these and be sure to provide for the initiatives of privatization as well. The plan will further determine cost efficiency and effectiveness prior to entering into contracts with local providers. Sets out provisions of the plan.

**Section 11** - Creates s. 413.207, Florida Statutes, requiring the division to maintain an internal system of quality assurance, perform due diligence, and review provider systems of quality assurance, and be subject to monitoring or compliance with state and federal laws, rules, and regulations.

**Section 12** - Creates s. 413.208, Florida Statutes, which requires the division to certify providers of direct service and ensure that they maintain an internal system of quality assurance, have proven functional systems, and are subject to due-diligence, and to inquire as to their fitness to undertake service responsibilities.

**Section 13** - Amends s. 413.23, Florida Statutes, which identifies the need for a federally required state plan, and authorizes the division to make amendments to the state plan to maintain compliance with the act and to implement such changes in order to qualify for

and maintain federal funding. Requires copies of the plan to be distributed to the Governor and the United States Secretary of Education, in addition to the President of the Senate and the Speaker of the House of Representatives.

**Section 14** - Amends s. 413.395, Florida Statutes, to make technical corrections related to the Florida Independent Living Council and the move from the Department of Labor and Employment Security to the Department of Education. Includes the requirement that periodic reports be submitted to the Commissioner of the Federal Rehabilitation Administration Services.

**Section 15** - Amends s. 413.401, Florida Statutes, for technical changes.

**Section 16** - Amends s. 413.405, Florida Statutes, as related to the Rehabilitation Advisory Council. This section renames the council as the Florida Rehabilitation Council and amends the number of members by no less than 15 and no more than 25, requires certain members to represent specific areas, and allows former members of the Occupational Access and Opportunity Commission to be considered for membership. Also requires that a minority of members be persons who have a physical or mental impairment. Further requires that the council work in partnership with the division and develop, agree to, and review state goals and priorities, evaluate the effectiveness of the program and submit reports of progress, and an annual report, to the Governor, the President of the Senate, the Speaker of the House of Representatives and the United States Secretary of Education.

**Section 17** - Amends s. 11.45, Florida Statutes, by removing reference to the Occupational Access and Opportunity Commission.

**Section 18 through 33** - Amends sections with technical corrections only.

**Section 34** - Requires that the Office of Program Policy Analysis and Government Accountability shall conduct a review of and prepare a report on the progress of the division before the 2005 regular session of the legislature.

**Section 35** - Repeals all of Part III, Chapter 413, Florida Statutes, which removes all of the statutes related to the Occupational Access and Opportunity Commission.

**Section 36** - Provides for an effective date as soon as becoming law.

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**HB 1906:**                      **Growth Management**

**Effective Date:**            Upon Becoming Law

**Key Contacts:**            Spessard Boatright  
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**Summary:**

In general, this bill provides for intergovernmental coordination between local governments and district school boards. This bill requires that the membership of all local planning agencies or equivalent agencies that review comprehensive plan amendments and rezonings include a nonvoting representative of the district school board. This bill requires certain local governments and school boards to enter into a public schools interlocal agreement, with the assessment of sanctions for the failure to enter into such agreement. The Office of Educational Facilities and SMART Schools Clearinghouse will be required to review and provide comments on the interlocal agreements. The adoption of a public educational facilities element as part of the local comprehensive plan is required unless school facilities are not or will not be located in a municipality. The requirements for educational plant surveys, along with the requirements for review and validation of such surveys, are being revised by consolidating the requirements for the comprehensive planning document, 5-year educational plant survey, and the 5-year educational facilities work plan. School districts will be required to adopt educational facilities plans, which include the educational plant survey, and district educational facilities work program. The district school boards will be required to submit a tentative educational facilities plan to the local government. This bill also authorizes the creation of educational facilities benefit districts pursuant to an interlocal agreement. These educational facilities benefit districts may only be created with the consent of the district school board, all affected local general purpose governments, and all landowners within the district. Community development districts, created pursuant to Ch. 190 Florida Statutes, will be eligible for financial enhancements available to educational facilities benefit districts based upon the establishment of an interlocal agreement. The site planning and selection must be consistent with interlocal agreements entered between local governments and school boards. A local government as the sole basis for denying a comprehensive plan amendment or development order may not use a public school's interlocal agreement. The Office of Educational Facilities and SMART Schools Clearinghouse is required to adopt measures for evaluating the school district educational facilities plans.

**Summary by Bill Sections (where applicable):**

**Section 1** - Amends subsection (1) of s. 163.3174, Florida Statutes, to include a representative of the school board as a nonvoting member.

(1) A representative of the school board is included as a nonvoting member of the local planning agency to attend meetings where approved comprehensive plan amendments and rezonings would increase residential density. The local government may grant voting status to the school board member.

**Section 2** - Amends the following subsections of s. 163.3177(6)(a), Florida Statutes, to include in the future land use element of the local comprehensive plan a criterion to encourage the use of elementary schools as focal points for neighborhoods.

s. 163.3177, (6)(h)4a, Florida Statutes, to require an interlocal agreement be executed by a local government with the district school board at the time a public educational facilities element is adopted. The intergovernmental coordination element will provide a statement that coordination between the local government and school board is in accordance with the interlocal agreement and that obligations of the local government are identified within the element.

s. 163.3177, (6)(h)6, Florida Statutes, to require that municipalities and special districts in a county with a population greater than 100,000 submit a report to the Department of Community Affairs by January 1, 2004, which identifies all existing or proposed interlocal service-delivery agreements regarding education.

**Section 4** - Creates s. 163.31776, Florida Statutes, to include an optional public educational facilities element to the local comprehensive plans. Key components of the public educational facilities element are:

(1) An optional public education facilities element may be adopted by a county in conjunction with the municipalities if there is a need for a new school facility. The municipality is exempt if there are no public schools located within the municipality's boundaries and based upon the district school board's 5-year facilities work program and the long-term 10-year work program, no new facility is or will be needed within that period.

(2) The interlocal agreement and educational facilities plan are the basis for the public educational facilities element. The element must address improvements to infrastructure, safety, and community conditions in areas surrounding existing public schools; colocation of other public facilities; location of schools in relation to residential areas; use of public schools as emergency shelters; and existing and planned capacity of public schools.

(3) School sites identified in the educational facilities plan must be included in the future land-use maps.

(4) A copy of the proposed public school facilities element must be submitted to the Office of Educational Facilities and SMART Schools Clearinghouse of the Commissioner of Education for review and comment.

(5) Amendments to the comprehensive plan may be made more than twice per year.

**Section 5** - Creates s. 163.31777, Florida Statutes, to provide for public schools interlocal agreements. Key elements are:

- (1)(a) The district school boards and local governments are directed to execute an interlocal agreement which specifies how the plans and processes of the entities are to be coordinated. The agreements are submitted to the state land planning agency and the Office of Educational Facilities and SMART Schools Clearinghouse. A single agreement with all municipalities is encouraged.
- (1)(b) Submission of interlocal agreements will be staggered, beginning on March 1, 2003 and concluding by December 1, 2004. If more than 20 municipalities exist within one county, the interlocal agreements of these municipalities may be staggered, beginning with the areas where both the number of district-wide capital outlay full-time-equivalent students equals 80% or more of the current year's school capacity and the projected 5-year student growth is 1,000 or greater, or where the projected 5-year student growth rate is 10% or greater.
- (1)(c) The local government and school board can petition the state land-planning agency for a waiver to exclude required information in the interlocal agreement if the student population has declined over the past five years. The state land-planning agency may revoke the waiver at a later date if the enrollment conditions change. An interlocal agreement should then be submitted within one year after notification has been received.
- (1)(d) Existing interlocal agreements need to be updated and executed based upon the new statutory section. Amendments must be submitted to the state-planning agency within 30 days after execution.
- (2)(a) through (i) The interlocal agreement must include a description of the population growth and student enrollment agreed to by both the district school board and each local government; an explanation of the process to share information related to planned and existing public school facilities; a discussion of the involvement of affected local governments with the district school board in the process of proposed school closures, major renovations to existing schools and new school site selection prior to land acquisition; a description of the process for determining the need for and timing of on-site and off-site improvements to new, proposed expansion, or redevelopment of existing schools; a procedure for the school board to inform the local government of school capacity; the participation of local governments in the preparation of the annual update to the district school board's 5-year facilities work program and educational plant survey; a process for assessing the joint use of facilities; a procedure for the resolution of disputes between the district school board and local governments; and an oversight process for the implementation of the interlocal agreement.
- (3)(a) The Office of Educational Facilities and SMART Schools Clearinghouse will submit comments to the state planning agency regarding the executed interlocal agreement within 30 days of receipt. If necessary, the state planning agency will publish a notice of intent to hold a public meeting.

- (3)(b) The district school board and local governments are parties to any proceedings conducted by the state planning agency.
- (3)(c) If the interlocal agreement is determined to be inconsistent with Florida Laws, the Administration Commission may impose sanctions and direct the Department of Education to withhold from the district school board an equivalent amount of funds for school construction.
- (4) If an executed interlocal agreement is not submitted pursuant to established deadlines, the state planning agency will issue a Notice to Show Cause to the local government and district school board. The Administration Commission may enter a final order which directs the Department of Education to withhold from the school district at least 5 percent of funds for school construction.
- (5) The interlocal agreement or public school element is not required to be amended if the local government is submitting the element to implement school concurrency.
- (6) Municipalities, which have no established need for a new school facility, no public schools located within its district, or the facilities work programs reflect that no new school facility is needed, are exempt from the requirements stated previously.
- (7) Exempt municipalities must comply with statutory requirements for up to one year after the school district board proposes a new school in its 5-year facilities work program.

**Section 6** - A local government for urban infill and redevelopment areas may waive the concurrency requirement if public health or safety is not endangered.

**Section 7** - (1)(b) The definition of “In compliance” is amended to include when a local government adopts an educational facilities amendment.

- (4) The Office of Educational Facilities of the Commissioner of Education will receive a copy of local comprehensive plans or amendments for review and comment if a public school facilities element is included.

**Section 8** - 3(k)(1) Statutory limits on the frequency of adopting local comprehensive plan amendments or future land-use-map amendments for school siting do not apply if a public educational facilities element is included.

**Section 9** - (2)(k) The phrase “5-year school district facilities work program” is amended to read “educational facilities plan.”

**Section 12** - Amends s. 186.504, Florida Statutes, to require that the Regional Planning Council Membership include one voting school board member nominated by the Florida School Boards Association and appointed by the Governor.

**Section 13** - Amends s. 235.002, Florida Statutes, to establish a systematic process of sharing information between school boards and local governments on the growth and development trends in their communities in order to forecast future enrollment and school needs.

(d) And to establish a systematic process by which school boards and local governments can cooperatively plan for the provision of educational facilities to meet the current and projected needs of the public education system, including the needs placed on the public education system as a result of growth and development decisions by local governments.

(e) And to establish a systematic process by which local governments and school boards can cooperatively identify and meet the infrastructure needs of public schools.

**Section 14** - Amends s. 235.15, Florida Statutes, to require that the school district's survey be submitted as a part of the district educational facilities plan as defined in s. 235.185, Florida Statutes.

(2)(a) This section also requires that upon request for release of PECO funds for planning purposes, certification must be made to the Office of Educational Facilities and SMART Schools Clearinghouse that the need for and location of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the plan is consistent with the local government comprehensive plan.

**NOTE:** See Section 17 below.

**Section 15** - Amends s. 235.175, Florida Statutes, by changing the name of the School District Facilities Work Programs to School District Educational Facilities Plan.

This section requires each school district annually to adopt an educational facilities plan that provides an integrated long-range facilities plan, including the survey of projected needs and the 5-year work program. The purpose of the educational facilities plan is to keep the school board, local governments, and the public fully informed as to whether the district is using sound policies and practices that meet the essential needs of students and that warrant public confidence in district operations.

**Section 17** - Amends s. 235.185, Florida Statutes, to define and/or redefine certain terms.

(1)(a) An "Adopted educational facilities plan" means the comprehensive planning document that is adopted annually by the district school board as provided in subsection (2) and that contains the educational plant survey.

(1)(b) The "District Facilities Work Program" means the 5-year listing of capital outlay projects adopted by the district school board as provided in subparagraph (2)(a)2 and paragraph (2)(b) as part of the district educational facilities plan, which is required in order to: Properly maintain the educational plant and ancillary facilities of the district; provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs in accordance with the goal in s. 235.062, Florida Statutes.

(1)(c) The "Tentative educational facilities plan" means the comprehensive planning document prepared annually by the district school board and submitted to the Office of Educational Facilities and SMART Schools Clearinghouse and the affected general-purpose local governments.

(2)(a) Additional guidance and clarification is given for the preparation of the tentative district educational plan. Requires the district to prepare a tentative educational facilities plan that includes long-range planning for facilities needs over 5-year, 10-year, and 20-year periods. The plan must be developed in coordination with the general-purpose local governments and be consistent with the local government comprehensive plans. The school board's plan for provision of new schools must meet the needs of all growing communities in the district, ranging from small rural communities to large urban cities. The plan must include:

(2)(a)1 Projected student populations apportioned geographically at the local level. The projections must be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136, Florida Statutes., where available, as modified by the district based on development data and agreement with the local governments and the Office of Educational Facilities and SMART Schools Clearinghouse. The projections must be apportioned geographically with assistance from the local governments using local development trend data and the school district student enrollment data.

(2)(a)2 An inventory of existing school facilities. Any anticipated expansions or closures of existing school sites over the 5-year, 10-year, and 20-year periods must be identified. The inventory must include an assessment of areas proximate to existing schools and identification of the need for improvements to infrastructure, safety, including safe access routes, and conditions in the community. The plan must also provide a listing of major repairs and renovation projects anticipated over the period of the plan.

(2)(a)3 Projections of facilities space needs, which may not exceed the normal space and occupant design criteria established in the State Requirements for Educational Facilities.

(2)(a)4 Information on leased, loaned, and donated space and relocatables used for conducting the district's instructional programs.

(2)(a)5 The general location of public schools proposed to be constructed over the 5-year, 10-year, and 20-year time periods, including a listing of the proposed schools' site

acreage needs and anticipated capacity and maps showing the general locations. The school board's identification of general locations of future school sites must be based on the school siting requirements of s. 163.3177(6)(a), Florida Statutes, and policies in the comprehensive plan which provide guidance for appropriate locations for school sites.

(2)(a)6 The identification of options deemed reasonable and approved by the school board which reduce the need for additional permanent student stations. Such options may include, but need not be limited to:

- a. Acceptable capacity
- b. Redistricting
- c. Busing
- d. Year-round schools
- e. Charter schools
- f. Magnet schools
- g. Public-private partnerships

(2)(a)7 The criteria and method, jointly determined by the local government and the school board, for determining the impact of proposed development to public school capacity.

(2)(b) The tentative district educational facilities plan must also include a financially feasible district facilities work program for a 5-year period. The work program schedule must include:

(2)(b)2a The locations, capacities, and planned utilization rates of current educational facilities of the district. The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses must be compared to the capital outlay full-time-equivalent student enrollment as determined by the department, including all enrollment used in the calculation of the distribution formula in s. 235.435(3), Florida Statutes.

(2)(b)2b The proposed locations of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 235.19 and 235.193(12), (13), and (14), Florida Statutes, must be addressed for new facilities planned within the first 3 years of the work plan, as appropriate.

(2)(b)2e Information concerning average class size and utilization rate by grade level within the district which will result if the tentative district facilities work program is fully implemented. **(NOTE: The exceptional student education classes or prekindergarten are no longer required to be extracted from this information.)**

(2)(b)2f The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. For determining future needs, student capacity may not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district educational facilities plan and in the district facilities work program adopted under this section. Those relocatable classrooms clearly identified and scheduled for replacement in a school-board-adopted, financially feasible, 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the

district facilities work program is changed and the relocatable classrooms are not replaced as scheduled in the work program, the classrooms must be reentered into the system and be counted at actual capacity. Relocatable classrooms may not be perpetually added to the work program or continually extended for purposes of circumventing this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, must be counted at actual student capacity. The district educational facilities plan must identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement.

(2)(b)2h Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution shall be identified separately in priority order on a project priority list within the district facilities work program.

(2)(b)6(e) Requires the district school board to coordinate with each affected local government to ensure consistency between the tentative district educational facilities plan and the local government comprehensive plans of the affected local governments during the development of the tentative district educational facilities plan.

(2)(b)6(f) Commencing on October 1, 2002, and not less than once every 5 years thereafter, the district school board shall contract with a qualified, independent third party to conduct a financial management and performance audit of the educational planning and construction activities of the district. An audit conducted by the Office of Program Policy Analysis and Government Accountability and the Auditor General pursuant to s. 230.23025, Florida Statutes, satisfies this requirement.

(3) The district school board shall submit a copy of its tentative district educational facilities plan to all affected local governments prior to adoption by the board. The affected local governments shall review the tentative district educational facilities plan and comment to the district school board on the consistency of the plan with the local comprehensive plan, whether a comprehensive plan amendment will be necessary for any proposed educational facility, and whether the local government supports a necessary comprehensive plan amendment. If the local government does not support a comprehensive plan amendment for a proposed educational facility, the matter shall be resolved pursuant to the interlocal agreement when required by ss. 163.3177(6)(h), 163.31777, and 235.193(2), Florida Statutes. The process for the submittal and review shall be detailed in the interlocal agreement when required pursuant to ss. 14 163.3177(6)(h), 163.31777, and 235.193(2), Florida Statutes.

(4) Annually, the district school board shall consider and adopt the tentative district educational facilities plan completed pursuant to subsection (2). Upon giving proper notice to the public and local governments and opportunity for public comment, the district school board may amend the plan to revise the priority of projects, to add or delete projects, to reflect the impact of change orders, or to reflect the approval of new revenue sources which may become available. The adopted district educational facilities plan shall:



(4)(a) Be a complete, balanced, and financially feasible capital outlay financial plan for the district.

(4)(b) Set forth the proposed commitments and planned expenditures of the district to address the educational facilities needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities, including safe access ways from neighborhoods to schools.

**Section 18** - Creates s. 235.1851, Florida Statutes, to provide for educational facilities benefit districts.

(1) The intent of the Legislature is to encourage and authorize public cooperation among district school boards, affected local general purpose governments, and benefited private interests in order to implement financing for timely construction and maintenance of school facilities, including facilities identified in individual district facilities work programs or proposed by charter schools. It is the further intent of the Legislature to provide efficient alternative mechanisms and incentives to allow for sharing costs of educational facilities necessary to accommodate new growth and development among public agencies, including district school boards, affected local general purpose governments, and benefited private development interests.

(2) The Legislature hereby authorizes the creation of educational facilities benefit districts pursuant to interlocal cooperation agreements between a district school board and all local general-purpose governments within whose jurisdiction a district is located. The purpose of educational facilities benefit districts is to assist in financing the construction and maintenance of educational facilities.

(3)(a) An educational facilities benefit district may be created pursuant to this act and Chapters 125, 163, 166, and 189, Florida Statutes. An educational facilities benefit district charter may be created by a county or municipality by entering into an interlocal agreement, as authorized by s. 163.01, Florida Statutes, with the district school board and any local general purpose government within whose jurisdiction a portion of the district is located and adoption of an ordinance that includes all provisions contained within s. 189.4041, Florida Statutes. The creating entity shall be the local general-purpose government within whose boundaries a majority of the educational facilities benefit district's lands are located.

(3)(b) Creation of any educational facilities benefit district shall be conditioned upon the consent of the district school board, all local general purpose governments within whose jurisdiction any portion of the educational facilities benefit district is located, and all landowners within the district. The membership of the governing board of any educational facilities benefit district shall include representation of the district school board, each cooperating local general-purpose government, and the landowners within the district. In the case of an educational facilities benefit district's decision to create a

charter school, the board of directors of the charter school may constitute the members of the governing board for the educational facilities benefit district.

(4) The educational facilities benefit district shall have, and its governing board may exercise, the following powers:

(4)(a) To finance and construct educational facilities within the district's boundaries.

(4)(b) To sue and be sued in the name of the district; to adopt and use a seal and authorize the use of a facsimile thereof; to acquire, by purchase, gift, devise, or otherwise, and to dispose of real and personal property or any estate therein; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(4)(c) To contract for the services of consultants to perform planning, engineering, legal, or other appropriate services of a professional nature. Such contracts shall be subject to the public bidding or competitive negotiations required of local general-purpose governments.

(4)(d) To borrow money and accept gifts; to apply for unused grants or loans of money or other property from the United States, the state, a unit of local government, or any person for any district purposes and enter into agreements required in connection therewith; and to hold, use, and dispose of such moneys or property for any district purposes in accordance with the terms of the gift, grant, loan, or agreement relating thereto.

(4)(e) To adopt resolutions and policies prescribing the powers, duties, and functions of the officers of the district, the conduct of the business of the district, and the maintenance of records and documents of the district.

(4)(f) To maintain an office at such place or places as it may designate within the district or within the boundaries of the local general-purpose government that created the district.

(4)(g) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any projects of the type that the district is authorized to undertake and facilities or property of any nature for use of the district to carry out any of the purposes authorized by this act.

(4)(h) To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness pursuant to this act for periods not longer than 30 years, provided such bonds, certificates, warrants, notes, or other indebtedness shall only be guaranteed by non-ad valorem assessments legally imposed by the district and other available sources of funds provided in this act and shall not pledge the full faith and credit of any local general purpose government or the district school board.

(4)(i) To cooperate with or contract with other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties,

or purposes authorized by this act and to accept funding from local and state agencies as provided in this act.

(4)(j) To levy, impose, collect, and enforce non-ad valorem assessments, as defined by s. 197.3632(1)(d), Florida Statutes, pursuant to this act, chapters 125 and 166, and ss. 197.3631, 197.3632, and 197.3635, Florida Statutes.

(4)(k) To exercise all powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this act.

(5) As an alternative to the creation of an educational facilities benefit district, the Legislature hereby recognizes and encourages the consideration of community development district creation pursuant to chapter 190 as a viable alternative for financing the construction and maintenance of educational facilities as described in this act. Community development districts are granted the authority to determine, order, levy, impose, collect, and enforce non-ad valorem assessments for such purposes pursuant to this act and Chapters 170, 190, and 197 Florida Statutes.. This authority is in addition to any authority granted community development districts under Chapter 190 Florida Statutes. Community development districts are therefore deemed eligible for the financial enhancements available to educational facilities benefit districts providing for financing the construction and maintenance of educational facilities pursuant to s. 235.1852 Florida Statutes. In order to receive such financial enhancements, a community development district must enter into an interlocal agreement with the district school board and affected local general purpose governments that specify the obligations of all parties to the agreement. Nothing in this act or in any interlocal agreement entered into pursuant to this act requires any change in the method of election of a board of supervisors of a community development district provided in chapter 190.

**Section 19** – Creates s. 235.1852, Florida Statutes, to provide for local funding for educational facilities benefit districts or community development districts. Upon confirmation by a district school board of the commitment of revenues by an educational facilities benefit district or community development district necessary to construct and maintain an educational facility contained within an individual district facilities work program or proposed by an approved charter school or a charter school applicant, the following funds shall be provided to the educational facilities benefit district or community development district annually, beginning with the next fiscal year after confirmation until the district's financial obligations are completed:

(1) All educational facilities impact fee revenue collected for new development within the educational facilities benefit district or community development district. Funds provided under this subsection shall be used to fund the construction and capital maintenance costs of educational facilities.

(2) For construction and capital maintenance costs not covered by the funds provided under subsection (1), an annual amount contributed by the district school board equal to one-half of the remaining costs of construction and capital maintenance of the

educational facility. Any construction costs above the cost-per-student criteria established for the SIT Program in s. 235.216(2), Florida Statutes, shall be funded exclusively by the educational facilities benefit district or the community development district. Funds contributed by a district school board shall not be used to fund operational costs. Educational facilities funded pursuant to this act may be constructed on land that is owned by any person after the district school board has acquired from the owner of the land a long-term lease for the use of this land for a period of not less than 40 years or the life expectancy of the permanent facilities constructed thereon, whichever is longer. All interlocal agreements entered into pursuant to this act shall provide for ownership of educational facilities funded pursuant to this act to revert to the district school board if such facilities cease to be used for public educational purposes prior to 40 years after construction or prior to the end of the life expectancy of the educational facilities, whichever is longer.

**Section 20** – Creates s. 235.1853, Florida Statutes, to read educational facilities benefit district or community development district facility utilization. The student population of all facilities funded pursuant to this act shall, to the greatest extent possible, reflect the racial, ethnic, and socioeconomic balance of the school district pursuant to state and federal law. However, to the extent allowable pursuant to state and federal law, the interlocal agreement providing for the establishment of the educational facilities benefit district or the interlocal agreement between the community development district and the district school board and affected local general purpose governments may provide for the district school board to establish school attendance zones that allow students residing within a reasonable distance of facilities financed through the interlocal agreement to attend such facilities.

**Section 22** - Amends s. 235.19, Florida Statutes, to provide that if the school board and local government have entered into an interlocal agreement pursuant to s. 235.193(2), Florida Statutes., and either s. (6)(h)4, Florida Statutes, or s. 163.31777 Florida Statutes, or have developed a process to ensure consistency between the local government comprehensive plan and the school district educational facilities plan, site planning and selection must be consistent with the interlocal agreements and the plans.

**Section 23** - Amends s. 235.193, Florida Statutes, to require the coordination of planning between boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. All parties to the planning process must consult with state and local road departments to assist in implementing the Safe Paths to Schools program administered by the Department of Transportation.

(2)(a) The school board, county, and nonexempt municipalities located within the geographic area of a school district shall enter into an interlocal agreement that jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. The interlocal agreements shall be

submitted to the state land planning agency and the Office of Educational Facilities and SMART Schools Clearinghouse in accordance with a schedule published by the state land-planning agency.

(2)(b) The schedule must establish staggered due dates for submission of interlocal agreements that are executed by both the local government and district school board, commencing on March 1, 2003, and concluding by December 1, 2004, and must set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. The schedule must begin with those areas where both the number of district wide capital-outlay full-time-equivalent students equals 80 percent or more of the current year's school capacity and the projected 5-year student growth rate is 1,000 or greater, or where the projected 5-year student growth rate is 10 percent or greater.

(2)(c) If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and district school board may petition the state land planning agency for a waiver of one or more of the requirements of subsection (3). The waiver must be granted if the procedures called for in subsection (3) are unnecessary because of the school district's declining school age population, considering the district's 5-year work program prepared pursuant to s. 235.185, Florida Statutes. The state land-planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land-planning agency that the conditions for a waiver no longer exist.

(2)(d) Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177, Florida Statutes., before the effective date of subsections (2) through (9) must be updated and executed pursuant to the requirements of subsections (2) through (9), if necessary. Amendments to interlocal agreements adopted pursuant to subsections (2) through (9) must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with subsections (3) and (4). Local governments and the district school board in each school district are encouraged to adopt a single interlocal agreement in which all join as parties. The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of subsections (2) through (9) and shall notify local governments and, jointly with the Department of Education, the district school boards of the requirements of subsections (2) through (9), the dates for compliance, and the sanctions for noncompliance. The state land-planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.

- (3) At a minimum, the interlocal agreement must address the following issues:
- (a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.
  - (b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.
  - (c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.
  - (d) A process for determining the need for and timing of on-site and off-site improvements to support new construction, proposed expansion, or redevelopment of existing schools. The process shall address identification of the party or parties responsible for the improvements.
  - (e) A process for the school board to inform the local government regarding school capacity. The capacity reporting must be consistent with laws and rules regarding measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 235.185, Florida Statutes.
  - (f) Participation of the local governments in the preparation of the annual update to the school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 235.185, Florida Statutes.
  - (g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.
  - (h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute-resolution processes contained in Chapters 164 and 186, Florida Statutes..
  - (i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

A signatory to the interlocal agreement may elect not to include a provision meeting the requirements of paragraph (e); however, such a decision may be made only after a public hearing on such election, which may include the public hearing in which a district school board or a local government adopts the interlocal agreement. An interlocal agreement entered into pursuant to this section must be consistent with the adopted comprehensive plan and land development regulations of any local government that is a signatory.

(4)(a) The Office of Educational Facilities and SMART Schools Clearinghouse shall submit any comments or concerns regarding the executed interlocal agreement to the state land planning agency within 30 days after receipt of the executed interlocal

agreement. The state land planning agency shall review the executed interlocal agreement to determine whether it is consistent with the requirements of subsection (3), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an executed interlocal agreement, the state land-planning agency shall publish a notice of intent in the Florida Administrative Weekly and shall post a copy of the notice on the agency's internet site. The notice of intent must state that the interlocal agreement is consistent or inconsistent with the requirements of subsection (3) and this subsection as appropriate.

(4)(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s. 163.3184(1)(a), Florida Statutes, has standing to initiate the administrative proceeding and this proceeding, is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (3) and this subsection. In order to have standing, each person must have submitted oral or written comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the district school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (3) and this subsection, the interlocal agreement must be determined to be consistent with subsection (3) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state land planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (3) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.

(4)(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (3) or this subsection, the state land planning agency shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(11), Florida Statutes, and may impose sanctions against the district school board by directing the Department of Education to withhold an equivalent amount of funds for school construction available pursuant to ss. 235.187, 235.216, 235.2195, and 235.42, Florida Statutes.

(5) If an executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a Notice to Show Cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11), Florida Statutes, and by directing the Department of Education to withhold from the district school board at least

5 percent of funds for school construction available pursuant to ss. 235.187, 235.216, 235.2195, and 235.42, Florida Statutes.

(6) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180, Florida Statutes, before the effective date of this section is not required to amend the element or any interlocal agreement to conform with the provisions of subsections (2) through (8) if the element is adopted prior to or within 1 year after the effective date of subsections (2) through (8) and remains in effect.

(7) Except as provided in subsection (8), municipalities having no established need for a new facility and meeting the following criteria are exempt from the requirements of subsections (2), (3) and (4):

- (a) The municipality has no public schools located within its boundaries.
- (b) The district school board's 5-year facilities work program and the long-term 10-year and 20-year work programs, as provided in s. 235.185, Florida Statutes, demonstrate that no new school facility is needed in the municipality. In addition, the district school board must verify in writing that no new school facility will be needed in the municipality within the 5-year and 10-year timeframes.

(8) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under subsection (7). If the municipality continues to meet these criteria and the district school board verifies in writing that no new school facilities will be needed within the 5-year and 10-year timeframes, the municipality shall continue to be exempt from the interlocal-agreement requirement. Each municipality exempt under subsection (7) must comply with the provisions of subsections (2) through (8) within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.

(9) A school board shall use information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136, Florida Statutes, when preparing the district educational facilities plan pursuant to s. 235.185, Florida Statutes, as modified and agreed to by the local governments, when provided by interlocal agreement, and the Office of Educational Facilities and SMART Schools Clearinghouse, in consideration of local governments' population projections, to ensure that the district educational facilities plan not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. The projections must be apportioned geographically with assistance from the local governments using local government trend data and the school district student enrollment data. A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities plan for the prior year required pursuant to s. 235.185, Florida Statutes, unless the failure is corrected.



(11) To improve coordination relative to potential educational facility sites, a board shall provide written notice to the local government that has regulatory authority over the use of the land consistent with an interlocal agreement entered pursuant to subsections (2) through (8) at least 60 days prior to acquiring or leasing property that may be used for a new public educational facility.

(12) As early in the design phase as feasible and consistent with an interlocal agreement entered pursuant to subsections (2) through (8), but no later than 90 days before commencing construction, the district school board shall in writing request a determination of consistency with the local government's comprehensive plan. The local governing body that regulates the use of land shall determine, in writing within 45 days after receiving the necessary information and a school board's request for a determination, whether a proposed public educational facility is consistent with the local comprehensive plan and consistent with local land development regulations. If the determination is affirmative, school construction may commence and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a school board's request for a determination of consistency shall be considered an approval of the school board's application.

(13) A local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan's future land use policies and categories in which public schools are identified as allowable uses, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with s. 235.34(1), Florida Statutes, and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed and consistent with the interlocal agreement required by subsections (2) through (8).

(14) This section does not prohibit a local governing body and district school board from agreeing and establishing an alternative process for reviewing a proposed educational facility and site plan and offsite impacts, pursuant to an interlocal agreement adopted in accordance with subsections (2) through (8).

(15) Existing schools shall be considered consistent with the applicable local government comprehensive plan adopted under Part II of Chapter 163, Florida Statutes. If a board submits an application to expand an existing school site, the local governing body may impose reasonable development standards and conditions on the expansion only, and in a manner consistent with s. 235.34(1), Florida Statutes. Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed upon. Local government review or approval is not required for:

(a) The placement of temporary or portable classroom facilities; or

(b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed upon, pursuant to an interlocal agreement adopted in accordance with subsections (2) through (8).

**Section 49** - The bill takes effect upon becoming law.

**ADDENDUM**  
**SPECIAL SESSION**  
**E**

**SB 6E:** Dale Hickam Excellent Teaching Program/Dale Hickam Excellent Teaching Program Trust Fund

**Effective Date:** July 1, 2002

**Key Contact:** David Ashburn  
(850) 487-0537  
[ashburd@mail.doe.state.fl.us](mailto:ashburd@mail.doe.state.fl.us)

**Summary:**

This legislation renames the Excellent Teaching Program and the Excellent Teaching Program Trust Fund to the Dale Hickam Excellent Teaching Program and the Dale Hickam Excellent Teaching Program Trust Fund. It also repeals the Excellent Teaching Program and the Excellent Teaching Program Trust Fund and creates the Dale Hickam Excellent Teaching Program Trust Fund. This trust fund is administered by the Department of Education.

**Summary by Bill Section (where applicable):**

**Section 1** - This section creates the Dale Hickam Excellent Teaching Program.

**Section 2** - This section creates the Dale Hickam Excellent Teaching Program Trust Fund within the Department of Education, and repeals ss. 236.08106, 236.08107, F.S.

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**SB 20E:** Florida K-20 Education Code

**Effective Date:** January 7, 2003

**Key Contact:** Kathy Mizereck  
(850) 201-7257  
[kathy.mizereck@flboe.org](mailto:kathy.mizereck@flboe.org)

Brett Walker  
(850) 201-7162  
[brett.walker@flboe.org](mailto:brett.walker@flboe.org)

**Summary:**

The bill recreates the Florida School Code and reorganizes the sections into a different format. This extensive restructuring responds to a legislative directive that the Florida Board of Education should recommend revisions to the education laws to reflect changes made in governance by the Constitutional amendments of 1998 and by the mandatory repeal of many of the sections of the code, effective January 7, 2003.

**To Access the Final Version of the Bill, please go to:**

<http://www.leg.state.fl.us/data/session/2002E/Senate/bills/billtext/pdf/s0020Eer.pdf>

**To Access the Table of Contents, please go to:**

[http://www.leg.state.fl.us/data/Publications/2002/house/reports/school\\_code/sb20e\\_toc.pdf](http://www.leg.state.fl.us/data/Publications/2002/house/reports/school_code/sb20e_toc.pdf)

**To Access a Section-By-Section Chart, please go to:**

[http://www.leg.state.fl.us/data/Publications/2002/house/reports/school\\_code/sb20e\\_sections.pdf](http://www.leg.state.fl.us/data/Publications/2002/house/reports/school_code/sb20e_sections.pdf)

**To Access an Education Tracing Table, please go to:**

[http://www.leg.state.fl.us/data/Publications/2002/house/reports/school\\_code/tracing\\_table.pdf](http://www.leg.state.fl.us/data/Publications/2002/house/reports/school_code/tracing_table.pdf)

**(Information on web page is subject to change due to ongoing updates).**

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**HB 27E:** 2002 General Appropriations Act

**Effective Date:** Except as otherwise provided, this act shall take effect July 1, 2002, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 2002, then it shall operate retroactively to July 1, 2002.

**Key Contact:** Wayne V. Pierson  
(850) 488-6539  
[piersow@mail.doe.state.fl.us](mailto:piersow@mail.doe.state.fl.us)

**Summary:**

Provides funds for the fiscal year beginning July 1, 2002, and ending June 30, 2003, to pay salaries and other expenses, capital outlay, and other specified purposes of the various agencies of state government. While appropriations may be contained in substantive law, the General Appropriations Act is essentially the state budget. Proviso language in the Act and substantive law codified in Florida Statutes govern expenditures to be made from appropriations.

**Summary by Bill Section and Budget Entity (where applicable):**

**Section 1** - Line items in this section are funded exclusively from the Educational Enhancement Trust Fund, which is funded from the net proceeds from ticket sales from the Florida lottery. Selected appropriations included are: \$180,000,000 funding for the 1997 school capital outlay bond program for the construction of public school facilities (Item 1); \$218,970,000 for Florida's Bright Futures Scholarship Program to provide postsecondary education to Florida's academic high performing high school students (Item 2); and \$16,777,894 for need-based student financial aid (Item 3).

District Lottery and School Recognition Program (Item 4) is funded at \$306,925,000, with 60 percent of the funds allocated for district defined enhancements, including \$10 per unweighted FTE student to be used at the discretion of each school advisory council, and a portion of the funds to be spent to implement the school improvement plan. The remaining 40 percent is set aside for awards for the performance-based Florida School

Recognition Program in the amount of \$100 per student in each qualifying school. Any funds available after the school recognition awards have been provided are combined and distributed with the 60 percent funds. Greater detail provided in State Grants/K-12 Programs FEFP. Funds are to be withheld from districts, which fail to comply with Section 106.15, F.S.

Extended School Year Pilot Program for the third year of a three-year program (Item 5A), \$5,000,000 (also see Item 115, \$1,500,000) for 21 schools in 9 districts to extend the school year by 30 days. By October 1, 2002, the Commissioner must provide an evaluation report with a recommendation to either continue or discontinue the extended year program.

Funding for Mentoring/Student Assistance Initiatives is provided in Item 5B (\$12,600,000); included as funded projects are the Governor's Mentoring Initiative, Take Stock in Children, Big Brothers-Big Sisters, Boys and Girls Clubs, SER/SABER, Learning for Life, Florida Mentor Teacher Program, and the PASS Project – Best Practices.

For Florida Community Colleges, an allocation of \$92,900,000 million entitled Community College Lottery Funds (Item 7) and \$8,446,245 for Information Technology Enhancement Grants (Item 7A) are distributed to each college.

The state universities are appropriated \$84,762,878 for education and general activities (Item 7C), \$5,087,910 for the Institute of Food and Agricultural Science (Item 7D), \$2,601,539 for the USF Medical Center (Item 7E), \$4,132,041 for the UF Health Center (Item 7F), \$3,132 to the FSU Medical School (Item 7G), and \$5,000,000 for the I-4 Corridor/High Technology Research (Item 7H).

A total of \$7,905,600 (Item 7B) is provided to the Department of Education to provide a \$15 per College Level Examination Program (CLEP), reimbursement to community colleges and universities for the test fees for the Bright Futures Testing Program.

Of the total lottery appropriation of \$969,799,991, \$514,771,506 is for public schools, \$235,747,894 is for postsecondary scholarships, \$101,346,245 is for community colleges, \$110,028,746 is for state universities, and \$7,905,600 is for the Bright Futures Testing Program.

**Section 2** - This section includes nearly all other appropriation line items for education programs in Florida.

Fixed Capital Outlay:

Line items provide for the maintenance, renovation, repair, and new construction of education facilities, grades K-20, from state appropriated funds. Projects included are primarily funded from the Public Education Capital Outlay and Debt Service Trust Fund (PECO), the School District and Community College Capital Outlay and Debt Service Trust Fund, and General Revenue funds.

For maintenance, repair, renovation, and remodeling of facilities, \$143,812,106 is appropriated, including \$27,700,000 for charter school facilities and equipment (Item 13). In addition to the lottery bond funds for public school facilities, funding is for new construction are \$194,265,983 for public schools (Item 14), \$110,618,743 for community colleges (Item 15), and \$290,001,736 for state university system projects (Item 16). Seven small rural school districts are allocated a total of \$51,390,334 from the Special Facility Construction Account (Item 17) to enable them to construct needed schools in a timely manner. The total fixed capital outlay appropriation in this section from all funds, including debt service, is \$1,667,082,996.

**Vocational Rehabilitation:**

Programs and services managed by Vocational Rehabilitation services staff are provided an 8 percent increase over FY 2001-02, for a total of \$141,483,758, of which \$25,116,874 is from state general revenue (Line Items 23 through 36). The funds provide education, training, and related services to empower individuals with disabilities to maximize their employment, economic self-sufficiency, and independence. Funded positions are increased from 928 to 1,010.

Performance measure and standard are as follows:

Rate and number of customers gainfully employed (rehabilitated) at least 90 days.....65%/11,500

**Division of Blind Services:**

The purpose of the program is to assist Floridians who are blind or visually impaired to obtain employment and to maximize independence and integration into the community. The total appropriation from Line Items 37 through 51 is \$37,584,632, an 8 percent increase over FY 2001-02. General revenue accounts for \$11,074,380 of the total. Funded positions remain the same as the prior year at 306.

Performance measure and standard are as follows:

Rate/number of rehabilitation customers gainfully employed at least 90 days.....68.3%/747

**Private Colleges and Universities:**

Line Items 52 through 59 provide funding for Private Colleges and Universities in the amount of \$117,914,029. This is an increase of approximately 10 percent from the 2001-02 fiscal year. The appropriation for Florida Resident Access Grants is increased by almost 13 percent to \$79,841,350 to provide annual grants of \$2,686 for an estimated 29,725 students. The grant amount may be prorated if the actual number of qualified applicants exceeds the estimate. The appropriation to Historically Black Colleges and Universities (Item 53) is increased by over 18 percent to \$8,974,038. The release of these funds and the appropriation for Academic Program Contracts (Item 55) is contingent upon the submission of proposed expenditure plans that include quantified fiscal and programmatic performance data to support the Legislature's performance-based budgeting initiatives to the Department of Education.

**Student Financial Aid Program - State:**

Line Items 71 through 80 provide funding of \$95,479,852 for the state programs administered by the Office of Student Financial Assistance. The maximum Florida Student Assistance Grant (FSAG) full-time award is set at \$1,365. A portion of the 25 percent increase in full-time FSAG funding over the prior year may be used by institutions should the need for part-time grants exceed the FY 2002-03 appropriation of \$6,695,486. A \$200,000 allocation is provided to conclude the Florida Work Experience pilot project at FCCJ (final report due on August 1, 2002).

**Performance measure and standard are as follows:**

Percent of high school graduates attending Florida postsecondary Institutions.....52%

**Student Financial Aid Program - Federal:**

Line Items 81 and 82 provide spending authority of \$4,138,655 for federal programs administered by the Office of Student Financial Assistance, including \$2,043,000 for the Robert C. Byrd Honors Scholarship program.

**State Grants/K-12 Programs - FEFP:**

This program includes the funds and policy for the distribution of the appropriated dollars for the Florida Education Finance Program (FEFP). The FEFP is the primary source of revenue for the operation of Florida schools. Proviso requirements for public school appropriations are summarized herein. Changes in substantive law governing Public Schools are described by enactment (bill number) in this legislative review. The following bills have particular relevance to funding and budgeting and should be read in conjunction with this review:

**HB 29-E, 2002-03 Appropriations Implementing Bill**

Performance measures and standards are as follows:

Number/percent of "A" schools reported by each district.....600; 25.0%

An amount of \$6,699,302,788, Item 105, is appropriated to fund the state’s share of the Florida Education Finance Program (FEFP):

Full-Time Equivalent Students (FTE) funded through the FEFP include all student enrollment associated with the 180-day regular school year and students in Juvenile Justice Education Programs during the summer.

The 2002-03 Base Student Allocation (BSA) for the FEFP is \$3,537.11.

The school year for Juvenile Justice Education Programs shall be comprised of up to 250 days, but not less than 240 days, distributed over 12 months, unless otherwise requested of the district school board by the provider of a nonresidential DJJ program. The minimum number of days shall not be less than 230. Students in these programs are funded for no more than 25 hours per week of direct instruction. The summer school period for these students shall begin on the day immediately following the end of the



district's regular school year and end on the day immediately preceding the subsequent regular school year. FTE student membership shall be reported and funded only for the number of days authorized. Juvenile Justice Educational Programs shall receive no less than the funds per student in 1998-99.

Charter Schools shall be provided an allocation pursuant to Section 228.056(14), F.S. However, for those charter schools that were in operation prior to July 1, 1999, funds per student shall be no less than they received in 1998-99.

The Minimum Guarantee for 2002-03 is based on unweighted FTE. This adjustment guarantees each district a minimum 1.0 percent increase in potential funding per unweighted FTE K-12 student over the actual funding per unweighted FTE K-12 student in the 2001-02 school year. The calculation includes state FEFP, major categorical funds, required local effort tax proceeds, and discretionary tax proceeds. The base year, 2001-02, includes an adjustment for the 2002-03 reduction in the Florida Retirement System contribution rate from 7.30 to 5.76, a reduction of 1.54 percentage points. The dollar amount of the FRS reduction is \$164,167,113.

The District Cost Differential (DCD) for each district is to be calculated as provided in Section 236.081(2), F.S. (same provision as 2001-02).

An amount of \$31,000,000 is provided for District Sparsity Supplement, as defined in s. 236.081(6), Florida Statutes, for districts of 20,000 or fewer K-12 FTE students (same provision as 2001-02).

The unadjusted Required Local Effort of \$4,901,526,326 in ad valorem taxes is an amount that will require an estimated 5.800 mills to be levied on a statewide basis. The local effort calculation from property taxes is adjusted based on the equalization provisions authorized in s. 236.081(4)(c), Florida Statutes, and by s. 236.081(4)(6), Florida Statutes, which limits a district's required local effort revenue to 90 percent of its FEFP entitlement. (Actual millage is to be certified by July 19, 2002.)

The maximum local Discretionary Millage is set at .510 mills; however, districts may make an additional supplemental levy, not to exceed 0.25 mills, which will raise an amount not to exceed \$50 per K-12 FTE student. Districts that levy the entire 0.25 mills and raise less than \$50 per K-12 FTE are to receive an amount that, combined with funds raised by the 0.25 mills, will provide \$50 per K-12 FTE. To be eligible for the state Discretionary Tax Equalization funds, a district must levy the full 0.25 mills and the full 0.51 mills (same provision as 2001-02).

The distribution of FEFP funds for 2002-03 is based on program cost factors (weights) as follows:

	<u>Program Number</u>	<u>Cost Factor</u> <u>Factors</u>
1. Basic Programs		
K-3 Basic*	101	1.005
4-8 Basic	102	1.000
9-12 Basic	103	1.122
2. Programs for Exceptional Students		
Support Level 4	254	3.948
Support Level 5	255	5.591
3. English for Speakers of Other Languages	130	1.275
4. Vocational Education, Grades 6-12	300	1.186
* Includes children of teenage parents.		

For 2002-03 the Group 2 maximum Enrollment Ceilings (caps) were established by the Legislature and include the estimated weighted FTE students in the following programs: Exceptional Student Education, Support Level 4, and Support Level 5; English for Speakers of Other Languages (ESOL); and Grades 6-12 Vocational Education. The provision of s. 236.081(1)(d) 4, Florida Statutes, which provides a supplemental capping calculation for districts that have projected FTE transferred from Group 2 to Group 1 by the Enrollment Estimating Conference, was NOT applied. As in previous years, no Enrollment Ceiling (cap) was established for the basic programs (101, 102, 103, 111, 112, and 113) in Group 1.

The Legislature provided an Exceptional Student Education (ESE) Guaranteed Allocation of \$949,122,877 within the FEFP for school districts to provide educational programs and services for exceptional students who are not in Support Level 4 or Support Level 5. These exceptional students will also receive basic weighted FTE funding in the FEFP consistent with the appropriate Basic Program weight for their grade level. Each district's ESE Guaranteed Allocation is the amount shown in the legislative work papers for the 2002-03 FEFP appropriation and will not be recalculated. School districts providing educational services in 2001-02 for exceptional students who are residents of other districts cannot discontinue providing such services without the prior approval of the Department of Education. Expenditure requirements for the ESE Guaranteed Allocation shall be as prescribed in s. 237.34 (3), Florida Statutes, for programs for Exceptional Students.

Supplemental funding is provided for districts that have less than 10,000 FTE and less than 3 FTE students in ESE Support Levels 4 and 5. The state supplement is limited to the value of 43.35 weighted FTE. The Commissioner of Education shall allocate the value of the supplemental FTE based on documented evidence of the difference in the cost of the service and the FEFP funding. The supplemental value shall not exceed 3 FTE each for ESE Support Levels 4 and 5 (same provisions as 2001-02).

The Declining Enrollment Supplement is determined by comparing each district's unweighted FTE in 2002-03 to the unweighted FTE of the prior year. In those districts where there is a decline in unweighted FTE, 50 percent of the decline is multiplied by the prior year calculated FEFP per unweighted FTE and added to the allocation of the district. For this purpose, the calculated FEFP is computed by multiplying the weighted FTE by the base student allocation and then by the district cost differential. This component is specified in s. 236.081(7), Florida Statutes, and is unchanged from 2001-02.

A student in cooperative education or other types of programs incorporating On-the-Job Training shall not be counted for more than 25 hours per week of membership in FEFP programs when calculating full-time student membership, as provided in s. 236.013, Florida Statutes, for funding under s. 236.081, Florida Statutes (same provisions as 2001-02).

None of the funds provided in the 2002-03 General Appropriations Act for developmental research schools shall be used to pay overhead or indirect costs described in s. 216.346, Florida Statutes (same provisions as 2001-02).

From the funds provided in Specific Appropriation 105, pursuant to s. 236.08102, Florida Statutes, district school boards and developmental research schools that fail to meet the following minimum student academic performance standards must satisfy the following minimum expenditure requirement for "classroom instruction"(Dollars to the Classroom),

The minimum district academic performance standard is defined as the district weighted performance grade calculated pursuant to s. 229.57 (16), Florida Statutes, that is equal to or greater than the performance grade of 2.68 for elementary schools, 2.84 for middle schools, and 2.00 for high schools.

Each school district that fails to meet the minimum district academic performance standards indicated above must increase expenditures for classroom instruction over the percentage expended by 1 percent for each academic performance standard not met.

An amount of \$75,350,000 is appropriated for Safe Schools activities. Each district is allocated a base amount of \$30,000 with two-thirds of the remaining funds based on the latest official Florida Crime Index provided by the Department of Law Enforcement, and one-third based on each district's share of the state's total unweighted student enrollment. Safe Schools activities are: (1) after school programs for middle school students; (2) other improvements to enhance the learning environment, including implementation of conflict resolution strategies; (3) alternative school programs for adjudicated youth; and (4) other improvements to make the school a safe place to learn. For the purpose of a school district's compliance with the approved Safety and Security Best Practices, the local school board may determine that an appropriate use of these funds would be for the implementation of a parental emergency notification system that includes a personalized identification and validation component. Each district shall determine, based on a review

of its existing programs and priorities, how much of its total allocation to use for each authorized Safe Schools activity.

An amount of \$653,922,659 is appropriated for Supplemental Academic Instruction (SAI) to be provided at appropriate times throughout the school year to help students gain at least a year of knowledge for each year in school and to help students to not be left behind. Districts may use these funds to implement remedial instruction required by s. 232.245, Florida Statutes, and s. 232.246, Florida Statutes. Schools shall determine the supplemental strategies that are most appropriate for each student. Strategies may include, but are not limited to, modified curriculum, reading instruction, after school instruction, tutoring, mentoring, class size reduction, extended school year, and intensive skills development in summer school. Each district's SAI allocation will be the amount shown in the legislative work papers for the 2002-03 appropriation for the FEFP and will not be recalculated during the school year.

Grades K-12 Summer School Programs are funded through the Supplemental Academic Instruction categorical with the exception of summer programs for students in Juvenile Justice Education Programs, which are funded through the FEFP. Districts may charge a fee for grades K-12 voluntary, noncredit summer school enrollment in basic program courses. The amount of a student's fee is to be based on ability to pay as determined by school board policy (same provision as 2001-02).

From the funds appropriated in Specific Appropriation 105 for Miami-Dade County Public Schools, the Miami-Dade County School Board shall provide \$310,000 to the Office of the Auditor General to pay the cost for three auditors who will be located on-site in the school board administrative offices. The Auditor General shall provide the Governor and Legislature a periodic report of findings and recommendations (same provision as 2001-02).

From the funds in Specific Appropriation 105 for the Miami-Dade County school district, the district may provide \$250,000 to Hands in Action for the Family, School and Friends Program.

Funds are not provided for Charter School FTE student enrollment for on-line instruction received by students principally in their own homes. However, Charter Schools may serve students who are temporarily homebound or who receive a portion of their instruction on-line (same provision as 2001-02).

Funds provided through the FEFP appropriation will be distributed in equal payments on or about the 10th and 26th of each month. S. 236.08105, Florida Statutes, provides for advance distribution to eligible districts (same provision as 2001-02).

An amount of \$306,925,000 is appropriated for the District Lottery and School Recognition Program from the Educational Enhancement Trust Fund (Item 4), to be used as enhancement funds for school districts and shall be allocated as follows:

a) Sixty percent of the funds in Specific Appropriation 4 (\$184,155,000) shall be allocated by prorating the amount of the appropriation on each district's K-12 base funding. Prior to the expenditure of these funds, each district shall establish policies and procedures that define enhancement and the types of expenditures that will be consistent with that definition. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2002, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council or, in the absence of such, at the discretion of the staff and parents of the school. A portion of these funds shall be used for implementing the school improvement plan. The improvement plan shall include performance indicators which are measurable. Funding for use by the school advisory councils shall be allocated directly to the school advisory councils and shall be earmarked for the councils' use. Council funds are not subject to override by the principal or interim approvals by school district staff. Council funds must be accounted for and are subject to being audited on a yearly basis.

b) Forty percent of the funds provided in Specific Appropriation 4 (\$122,770,000) shall be used to fund financial awards pursuant to provisions of Section 231.2905, F.S., relating to the Florida School Recognition Program. Funds for the School Recognition Program shall be awarded by the Commissioner in the amount of \$100 per student in each qualifying school.

c) Any funds remaining after the obligations in paragraph (b) have been fully met shall be allocated to all school districts as provided in paragraph (a), and shall be subject to the expenditure requirements of that paragraph.

The Commissioner of Education shall withhold the distribution of discretionary lottery funds from any school district that fails to certify compliance with the provisions of Section 106.15, F.S.

**Categorical Programs:**

An amount of \$227,939,157, (Item 106), from general revenue funds is appropriated for the purchase of instructional materials with \$15,000,000 of the appropriation specifically earmarked for library media materials and \$4,100,000 for science lab materials and supplies.

School districts shall pay for instructional materials used for the instruction of public high school students who are earning credit toward high school graduation under the Dual Enrollment Program as provided by s. 236.081(1)(g), Florida Statutes.

The growth allocation per FTE student is \$314.50. If the funds provided are insufficient to pay in full the growth and maintenance allocations of s. 236.122, Florida Statutes, growth will be paid in full and maintenance prorated. These funds are to be distributed as follows: 50 percent on or about July 10, 2002; 35 percent on or about October 10, 2002; 10 percent on or about January 10, 2003; and the balance on or about June 10, 2003.

An amount of \$62,400,000 (Item 106A) from general revenue is provided for Public School Technology. District allocations are based on each district's share of the state total K-12 FTE.

An amount of \$423,087,042 (Item 107) from general revenue funds is appropriated to fund student transportation as authorized in s. 236.083, Florida Statutes.

The amount of \$36,000,000 (Item 108) from general revenue funds is appropriated for Teacher Training and includes the funds required for inservice personnel training as prescribed in s. 236.081(3), Florida Statutes. District Teacher Training allocations are based on each district's proportion of the state total K-12 FTE.

This appropriation for Florida Teachers Lead Program of \$15,828,822 (Item 109) from general revenue funds shall be provided to teachers pursuant to s. 231.67, Florida Statutes. Funds shall be allocated by prorating among all districts based on each district's proportion of the state total K-12 FTE.

**State Grants / K-12 Program / Non-FEFP:**

The program funds activities that supplement or enhance education opportunities through targeted resources for particular clients, or education or learning strategies. Line Items 110 through 132A provide total funding of \$367,788,012 for education or related programs for students, teachers, and others who serve students in grades K-12.

Programs receiving increased funding include: \$48,704,298 (Items 113 and 122) for Excellent Teaching, which provides incentives for Florida teachers to attain National Board Teaching Standards (NBTS) certification; the Florida Virtual High School, \$6,984,992 (Item 110); and Reading Initiatives, \$64,634,325 (Item 116). Funding for Teacher Professional Development, \$133,083,341 (Item 127) includes \$129,687,133 for a principal and assistant principal training program to be implemented by the Florida Board of Education.

New or enhanced programs funded in the budget include pilot Learning Gateways to prevent learning disabilities in children ages birth to 9, \$2,614,000 (Item 119A); and Jobs for Florida Graduates, \$500,000 (Item 125A).

**Federal Grants/K-12 Program:**

The Department of Education manages several federally funded programs that supplement specific education activities throughout the state, including the recently enacted "No Child Left Behind" initiative. The Legislature authorized \$1,639,174,857 in spending authority in the budget for this program in Items 133-136. Federally funded programs include, but are not limited to, supplemental education services for exceptional students and education for economically and educationally disadvantaged students, Chapter or Title I.

**Educational Media and Technology Services:**

Total funding of \$21,430,938 in Line Items 137 through 143 is appropriated. Two important items funded in this budget are the Florida Information Resource Network, which provides and promotes technology services to and from schools, colleges, and universities throughout the state (FIRN, Item 140, \$9,549,779) and Public Broadcasting (Item 141, \$10,738,361).

**Workforce Education Grant Programs:**

Line Item 151 continues the program for Handicapped Adults at the 2001-02 level of \$18,508,431 with the school districts receiving \$16,801,354 and the community colleges \$1,707,077.

Line Item 153A provides the funding for the school district’s portion of the Workforce Development Education Fund in the amount of \$381,459,332. The community college portion of this fund (\$297,241,341) was merged with the Community College Program Fund under Line Item 161.

**Community Colleges:**

House Bill 27E establishes the performance standards as required by the Government Performance and Accountability Act of 1994 for funds from Specific Appropriations 7, 160 and 161 as follows:

Percent of students graduating with total accumulated credit hours that are less than or equal to 120 percent of the degree requirement .....36%

Of the AA students completing 18 credit hours, the percent which graduate within 4 years.....36%

Line Item 160 provides for the Performance-Based Incentives in the amount of \$7,674,371 and provides the allocations by college.

Line Item 161 provides funding for the Community College Program Fund in the amount of \$783,743,156 (which includes \$297,241,341 for Workforce Development).

Line Items 162 through 164 provide funding for Library Automation in the amount of \$6,040,565; Commission on Community Service in the amount of \$416,700; and Distance Learning in the amount of \$2,503,432, of which \$315,397 is provided for Distance Learning Consortium operations.

**State Board of Education:**

The funds from the budget entities for Executive Direction and Support Services - Student Financial Assistance; Executive Direction – Public Schools; State Oversight and Assistance – Public Schools; Executive Direction and Support Services – Workforce Development; Executive Direction and Support Services – Community Colleges; and Executive Direction and Support Services – State Universities were combined into a single budget entity, State Board of Education. The consolidation of functions was

included in the budget in order to facilitate the reorganization of statewide services and activities.

Proviso preceding Item 166A authorizes three projects from the funds provided in Items 166A through 166C. First, the development and recommendation to the Legislature by January 30, 2003, of an allocation methodology for community colleges that provides for the equitable allocation of the total currently available student fees and state appropriations.

Second, the development of a modification for community college and workforce development funding formulas that provides a separate category of resource generation for instruction in Information Technology programs.

Third, by January 30, 2003, an analysis and report of the current status of equity in the Education and General funding of Florida's State University System.

The total consolidated appropriation is \$139,894,934. Of this amount, \$57,038,181 is provided for the state assessment testing and evaluation system (Item 166E). Included in Item 166E is \$1,600,000 for the statewide administration to all tenth graders of the preliminary SAT or ACT college entrance examinations. Also provided in Item 166E is \$1,639,764 for the administration of a School Readiness Uniform Screening Instrument.

**State University System:**

The State University System receives an overall increase of about \$193 million or 11.4 percent, with general revenue accounting for \$173 million of the increase. The Legislature also increased the matriculation fees (in-state) 5 percent and tuition fees (out-of-state) 10 percent. In addition, the universities' Boards of Trustees have the authority to increase graduate matriculation fees an additional 5 percent and all levels of tuition fees 10 percent. The universities receive their base budget and the following issues highlight incremental increases over the base budget.

The universities' Boards of Trustees are provided \$34.5 million in Local Initiative funding to be spent on priorities identified by the local board. In addition, these funds can be used as matching for the Challenge Grant program and expansion of access to degree programs on branch campuses.

Enrollment funding of \$45 million (general revenue) for 10,259 Full Time Equivalent (FTE) students is provided. These FTE will generate approximately \$34 million in student fees. Proviso states that universities are to place a priority on expanding access to undergraduate and graduate nursing degree programs.

Funding of \$5.3 million is provided for the continued implementation of the new medical school at Florida State University, as well as \$600,000 for Chiropractic Medicine at FSU. Florida International University and Florida A&M University each received \$2.2 million for continued implementation of Florida's two new law schools. These schools will be enrolling students beginning Fall 2002.



Senate Bill 1844 creates Centers of Excellence for the purpose of identifying and pursuing opportunities to promote the research required to develop commercially promising, advanced, and innovative technologies, and to transfer those technologies to commercial sectors. The Emerging Technology Commission is created to guide the establishment of these centers. Universities will have the opportunity to submit plans following guidelines established by the Commission. By March 15, 2003, the State Board of Education shall develop and approve a final plan for the establishment of one or more centers. A total of \$30 million is provided for the center(s), with a minimum allocation of \$10 million to each center.

The universities' Branches and Centers received \$10.4 million in funding to increase the number of courses and/or to offer additional full degree programs to increase access to baccalaureate and graduate degree programs.

Senate Bill 46-E creates the Florida Alzheimer's Center and Research Institute at the University of South Florida. Funding of \$5 million has been provided and can be expended at the discretion of the Institute's board. The Institute may enter into contractual agreements with other entities for research relating to the prevention, treatment, and cure of Alzheimer's disease.

In an attempt to address equity among the universities, \$9 million has been provided to USF, UCF, FIU, and UNF. Proviso requires a study to be completed by the State Board of Education and submitted to the Governor, House, and Senate by January 15, 2003. The study shall consider university mission, enrollment by discipline and student course level, special appropriations by the Legislature, and other issues as determined by the State Board of Education. The report shall discuss the policy choices available for consideration by the Legislature, which could be recognized by an equity funding formula, highlighting the advantages and disadvantages inherent in each choice. In addition, the Council for Education Policy Research and Improvement shall do an equity study and submit it to the Legislative Budget Commission by January 1, 2003.

The Legislature has continued its commitment to the Challenge Grant matching program by providing \$12.4 million.

In an effort to increase the number of baccalaureate degrees, \$4 million has been provided for Colleges and Universities. St. Petersburg College will receive \$3 million to continue the development of programs leading to increased access to baccalaureate degrees. Miami-Dade Community College and Daytona Beach Community College (DBCC) will each receive \$500,000 to support efforts to obtain accreditation by the Southern Association of Colleges and Schools to award baccalaureate degrees. As an alternative to seeking accreditation to award baccalaureate degrees, DBCC may work with the University of Central Florida to provide upper level instruction at the joint-use UCF/DBCC campus. If neither of these options occur for DBCC, its \$500,000 shall be allocated to Miami-Dade Community College.

**Section 8** - Salaries and Benefits; This section specifies the detail of the legislatively authorized salary and benefit policy for employees affected by one of several pay plans. In general, the September 30, 2002, base rate of pay for most state employees will be increased by 2.5 percent effective October 1, 2002. Each eligible full time employee will receive an annualized minimum increase of \$600.

University Support Personnel, Administrative and Professional, General Faculty, Graduate Assistants, and House staff will receive a 2.5 percent competitive pay adjustment effective October 1, 2002. Each eligible full-time employee will receive an annualized minimum increase of \$600. Each eligible part-time employee in an authorized position will receive a prorated portion of the pay adjustment.

Effective January 1, 2003, the state's and employees' shares of the health insurance contributions will increase.

The state shall provide up to six (6) credit hours of tuition-free courses per term at a state university or community college to full-time employees on a space available basis as authorized by law. The state shall provide such credit hours only if legislation allowing such provision becomes law during 2002.

**Section 17** - Appropriates \$10,000,000 from the balance of the School Infrastructure Thrift Program for a SMART Schools demonstration high school project in Manatee County.

**Section 27** - Appropriates the unexpended balance for Alternative Schools Public/Private Partnerships for same purpose in the School District of Orange County.

**Section 28** - Appropriates \$10,000,000 from the balance of the School Infrastructure Thrift Program to construct new student stations in high enrollment growth districts relative to their financial ability to provide for the growth. Allocation method is prescribed.

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**HB 29E:** 2002 General Appropriations Act Implementing Bill

**Effective Date:** July 1, 2002

**Key Contact:** Wayne V. Pierson  
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**Summary:**

The bill clarifies legislative intent regarding implementation and administration of the General Appropriations Act for FY 2002-2003.

**Summary by Bill Section (where applicable):**

**Section 2** - Applies to Specific Appropriations 7C-7H, 11A, and 166S-181 and Section 9. Universities shall utilize the Florida Account Information Resource (FLAIR) system for fiscal year 2002-2003. Each university board of trustees shall have authority to amend their budget. The budget may use traditional categories or a special category account. Upon request, funds will be released to the approved account by the Comptroller or Chief Financial Officer. This Section expires July 1, 2003.

**Section 3** - Applies to Specific Appropriations 71-166R and amends s. 229.085, Florida Statutes, pertaining to the Projects, Contracts and Grants Trust Fund. Any personnel employed to execute grants or contracts for specific projects shall not be subject to the requirements of s. 216.262(1)(a), Florida Statutes. This change expires July 1, 2003.

**Section 4** - Applies to Specific Appropriations 71-166R and amends s. 236.7011, Florida Statutes. Beginning with the 2003-2004 fiscal year, no funds received from indirect cost allowance shall be expended by the Department without specific appropriation by the Legislature.

**Section 5** - Applies to Specific Appropriations 71-166R. Exempts with conditions the Knott Data Center and Projects, Contracts, and Grants from the requirements of s. 216.023, Florida Statutes. No new state appropriations shall be obligated as a source of matching funds by the Knott Data Center and Projects, Contracts, and Grants Programs. This Section expires July 1, 2003.

**Section 6** - Applies to Specific Appropriation 7B and s. 240.4015, Florida Statutes, amending the provisions for the Bright Futures Testing Program for the 2002-2003 fiscal year. Initial Florida Academic Scholars and Florida Merit Scholars must complete at least five CLEP examinations by the end of the 2002-2003 academic year. This change expires July 1, 2003.

**Section 7** - Applies to Specific Appropriation 161, requires a minimum of 75 percent of the balance of the community college financial aid fee be used to provide financial aid based on absolute need. This Section expires July 1, 2003.

**Section 8** - Applies to Specific Appropriations 13 and 14, and s. 230.23024, Florida Statutes. Adds maintenance operations as part of name changes and descriptions of duties. Miami-Dade County is the sole school district with such a board. The Land Acquisition and Facilities Maintenance Operations Advisory Board shall be disbanded by June 30, 2003.

**Section 36** - Applies to Specific Appropriations 2776-2783 and s. 287.161, Florida Statutes. Extends the policy for the rate to be paid for travel through the executive aircraft pool to include the 2002-2003 fiscal year. This subsection expires July 1, 2003.

**Section 42** - Applies to Specific Appropriation 2163, Section 8 and s. 110.2035, Florida Statutes. The Department of Management Services shall establish and maintain a classification and compensation program addressing Career Service, SES, and SMS positions.

**Section 44** - Applies to Section 8 and s. 110.12315, Florida Statutes. DMS shall create a preferred brand name drug list to be used in the administration of the state employees' prescription drug program. This subsection expires July 1, 2003.

**Section 46** - Class C state travelers shall not receive per diem or meal allowance during the 2002-2003 fiscal year only. Class C travel does not involve an overnight stay.

**Section 59** - Applies to Specific Appropriation 2236E and s. 411.01, Florida Statutes. For fiscal year 2002-2003 only, the first children to be placed in the school readiness program shall be from families receiving temporary cash assistance. This subsection expires July 1, 2003.

**Section 60(4)(i)** - Applies to Specific Appropriations 349, 1170, 2877, and 3119 and s. 215.20, Florida Statutes, and Section 2 of Chapter 2002-46, Laws of Florida. The Educational Certification and Service Trust Fund and the Phosphate Research Trust Fund are two of the trust funds to be assessed a 0.3 percent service charge. The service charge will be deposited in the General Revenue Fund.

**Section 62** - Applies to Specific Appropriations 349, 1170, 2877, and 3119 and s. 215.22, Florida Statutes. A few of the trust funds exempt from interest earnings and service charges include student financial aid or prepaid tuition receipts, trust funds administered by the Department of Lottery, and Trust funds administered by the Department of Education.

**Section 70** - Applies to Specific Appropriation 349 and s. 240.4075, Florida Statutes. Removes wording regarding interest income for the Nursing Student Loan Forgiveness Program.

**Section 78** - No state agency or local entity receiving funds from the 2002-2003 General Appropriations Act shall use funds for advertising support or opposition to any candidate or issue appearing on the ballot. The Comptroller or Chief Financial Officer is responsible for enforcement.

**Section 80** - If any other act passed in 2002 contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and shall continue to operate, notwithstanding the future repeal provided by this act.

**Section 81** - Incorporates by reference the agency performance measures and standards in the document entitled "Florida's Budget 2002 Agency Performance Measures and Standards Approved by the Legislature for Fiscal Year 2002-03." Directs agencies to revise their long-range program plans to be consistent with these performance measures and standards.

**Section 83** - Provides an effective date of July 1, 2002.

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**HB 41E:** James L. Stevens Act

**Effective Date:** Upon Becoming Law

**Key Contact:** Bob Henker  
(850) 201-7343  
[Bob.Henker@fldcu.org](mailto:Bob.Henker@fldcu.org)

**Summary:**

This bill specifies the amount of funding from the cigarette tax that is to be used to support the cancer research facility adjacent to the Moffitt Cancer Center and Research Institute. It increases the percentage of funds from the cigarette tax to be paid monthly to the Board of Directors of the Moffitt Cancer Center and Research Institute. The proposed legislation authorizes (but does not require) the Legislature to replace revenue from the cigarette tax with funds from tobacco litigation settlement proceeds.

**Summary by Bill Section (where applicable):**

**Section 2** - Amends s. 210.20(2)(b), Florida Statutes. The bill provides that from July 1, 2002, through June 30, 2004, the Division of Alcoholic Beverages and Tobacco shall deposit the cigarette tax money imposed by s. 210.02, Florida Statutes, less certain authorized amounts, into the Alcoholic Beverage and Tobacco Trust Fund. A set amount shall then be paid from July 1, 2004, through June 30, 2016 to the Board of Directors of H. Lee Moffitt Cancer Center and Research Institute. This is in addition to other funds already provided. The funds are to be used for the purpose of constructing, furnishing, and equipping a cancer research facility at USF adjacent to the H. Lee Moffitt Cancer Center and Research Institute. In fiscal years 2004-2005 and thereafter, the appropriation to the Moffitt Center and Institute authorized by new subparagraph (b)2 shall not be less than what would have been paid without this new subparagraph.

**Section 3** - Amends s. 201.201, Florida Statutes, in order to add the citation of s. 210.20. Additionally it amends mandatory language to become permissive language allowing the pledged cigarette tax dollars to be replaced annually by the Legislature from tobacco litigation settlement proceeds.

**HB 43E:** Public Records / Florida Alzheimer's Center & Research Institute

**Effective Date:** July 1, 2002

**Key Contact:** Syd McKenzie  
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[Syd.McKenzie@flboe.org](mailto:Syd.McKenzie@flboe.org)

**Summary:**

The bill provides for the confidentiality of certain information held by the Florida Alzheimer's Center and Research Institute, and others. It creates an exemption from the public records provisions of the State Constitution and Florida law for certain information relating to clients, patients, and donors, as well as medical and health records and certain proprietary and trade secret information.

**Summary by Bill Section (where applicable):**

**Section 1** - The bill makes confidential and exempt from s. 119.07(1), Florida Statutes, and Section 24, Article I of the State Constitution several items. It does so for personal identifying information relating to clients of programs created or funded through the Florida Alzheimer's Center and Research Institute and held by the institute, USF, State Board of Education, or by persons who provide services to clients of programs created or funded through contracts with the Institute. It includes medical or health records relating to patients. It includes materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, or proprietary information received, generated, ascertained, or discovered during the course of research conducted by or through the institute and business transactions resulting from such research. It includes the identity of a donor or prospective donor to the Institute who wishes to remain anonymous, and all information identifying such donor or prospective donor. It includes any information received by the Institute from a person from another state or nation of the Federal Government which is otherwise confidential or exempt pursuant to that state or nation's laws or pursuant to federal law. Authorizes a governmental entity that demonstrates a need to access such confidential and exempt information in order to perform its duties and responsibilities shall have access to such information and shall otherwise maintain the information as confidential and exempt. Repeals this section October 2, 2006, unless sunset review provides otherwise.

**Section 2** - Provides a statement of public necessity for confidentiality and exemption from public records.

**SB 46E:** Health Care

**Effective Date:** July 1, 2002 for sections 2 and 16

**Key Contact:** Cynthia Smith  
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**Summary:**

The bill is concerned with a range of health care issues. Of interest to education is the creation of the Florida Alzheimer's Center and Research Institute at the University of South Florida.

**Summary by Bill Section (where applicable):**

**Section 2** - This bill requires the State Board of Education to enter into an agreement with a not-for-profit corporation for the use of the facilities on the campus of the University of South Florida for the Florida Alzheimer's Center and Research Institute. The Center and Institute is established effective July 1, 2002.

The not-for-profit corporation is to be organized solely for the purpose of governing and operating this Center and Institute. With the prior approval of the State Board of Education, it may create not-for-profit subsidiaries to fulfill its mission. These entities are not "agencies" within the meaning of s. 20.03(11), Florida Statutes.

The bill provides for a board of directors of the corporation and for the appointment and terms of its membership. The makeup of the board of directors includes the President of the University of South Florida and the chair of the State Board of Education, or their designees. The Governor, the President of the Senate, and the Speaker of the House appoint the initial board of directors. While the corporation will be located on the grounds of the University of South Florida, it is independent of the University and shall act as an instrumentality of the state.

The Chief Executive Officer (CEO) of the Institute is required to have a reporting relationship to the Commissioner of Education and is appointed by and serves at the pleasure of the board of directors of the not-for-profit corporation. Various powers and duties of the CEO are outlined in the bill. Among those are that the CEO may not establish academic programs for which academic credit is awarded and which culminate in the conferring of a degree without the prior approval of the State Board of Education. The CEO has budgetary control. Professional income generated or derived by university faculty from practice activities of the institute shall be shared between the institute and the university, as determined by the CEO and the appropriate university dean or vice president.

The board of directors is required to create a council of scientific advisors to the CEO consisting of leading researchers, physicians, and scientists. The council will review programs and recommend research priorities and initiatives to maximize the state's

investment in the Institute. The board of directors of the corporation will appoint members of the council, with five members appointed by the State Board of Education. Each member will serve a 2-year term and may be reappointed to the council.

**Section 16** - The bill provides that any law that is amended by this act and was also amended by a law enacted at the 2002 Regular Session of the Legislature, shall be construed as if they had been enacted at the same session of the Legislature, and full effect should be given to each if that is possible

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**HB 59E:** Health Care/Home Medical Equipment

**Effective Date:** Upon Becoming Law

**Key Contact:** Kurt Ponchak  
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**Summary:**

HB 59E, section 11 is amending s. 400.925, Florida Statutes; eliminating the regulation of certain home medical equipment by the Agency for Health Care Administration;

**Summary by Bill Section (where applicable):**

**Section 11** - Subsection (8) of s. 400.925, Florida Statutes, is amended to read:

400.925 Definitions. As used in this part, the term: "Home medical equipment" includes any product as defined by the Federal Drug Administration's Drugs, Devices and Cosmetics Act, any products reimbursed under the Medicare Part B Durable Medical Equipment benefits, or any products reimbursed under the Florida Medicaid durable medical equipment program. Home medical equipment includes, but is not limited to, oxygen and related respiratory equipment; manual, motorized, or Home medical equipment includes customized wheelchairs and related seating and positioning, but does not include prosthetics or orthotics or any splints, braces, or aids custom fabricated by a licensed health care practitioner. Home medical equipment includes technology assisted devices, including: manual wheelchairs, motorized wheelchairs, motorized scooters; voice-synthesized computer modules, optical scanners, talking software, braille printers, environmental control devices for use by person with quadriplegia, motor vehicle adaptive transportation aids, devices that enable persons with severe speech disabilities to in effect speak, personal transfer systems; and specialty beds, including demonstrator, for use by a person with a medical need.

This section eliminates the regulation of providers of certain types of technology-assisted devices by the Agency for Health Care Administration (AHCA). These devices include: voice synthesized computer modules, optical scanners, talking software, braille printers, environmental control devices for use by persons with quadriplegia, motor vehicle adaptive transportation aids, and devices that enable persons with severe speech disabilities to in effect speak. According to AHCA, there is no evidence that these



providers need to be regulated regarding the products and services that they supply. None of the providers that supply these products have had reports of providing unsatisfactory products and services to consumers. These technology assisted devices are sold by non-health care providers and do not fit the definition of home medical equipment.

The Agency for Health Care Administration will lose \$5,600 in FY 2002-2003 and \$40,600 in FY 2003- 2004; however, they will not have expenses related to licensing and inspecting these businesses.

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**HB 67E:** Boards of Trustees/Sovereign Immunity

**Effective Date:** January 7, 2003 for sections 1-4

**Key Contact:** Syd McKenzie  
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**Summary:**

This bill replaces the former Board of Regents with local University Boards of Trustees. The bill addresses various issues of sovereign immunity for university boards of trustees such as comparative fault, venue in actions brought against university boards of trustees, waiver of sovereign immunity, and inapplicability of provisions relating to insurance adjusters to employees and agents of a board of trustees.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends s. 766.112 (2), Florida Statutes. For damages for personal injury or wrongful death arising out of medical malpractice the university board of trustees replaces the Board of Regents. Language relating to collection of “damages” is modified to mean collection of a “judgment or settlement”.

**Section 2** - Amends s. 768.28 (1) and (2), Florida Statutes. The bill provides that a venue for Actions against a State University Board of Trustees will lie in the county in which the university’s main campus is located, or in the county in which the cause of action accrued, if the university maintains a substantial presence therein for the transaction of its customary business.

**Section 3** - Amends s. 626.852 (5), Florida Statutes. Makes inapplicable the provisions relating to insurance adjusters to employees and agents of a board of trustees for self-insurances programs created under s. 240.213 or s. 1004.24, Florida Statutes

**Section 4** - Applies the amendments to statutes cited in sections 2 and 3 above effective for causes of action arising on or after January 7, 2003.