

Committee on K-12

Meeting

Tuesday, March 13, 2007

10:00 a.m. — 12:00 p.m.

212 Knott Building

**Marco Rubio
Speaker**

**Anitere Flores
Chair**



Florida House of Representatives

Marco Rubio

Speaker

Committee on K-12

Anitere Flores, Chair
Representative Gary Aubuchon
Representative Dorothy Bendross-Mindingall
Representative Will Kendrick

Marti Coley, Vice Chair
Representative Curtis Richardson
Representative Garrett Richter
Representative Shelley Vana

AGENDA

March 13, 2007

- I. Call to Order**
- II. Roll Call**
- III. Comments, Chair Flores**
- IV. Consideration of the following bills:**
 - **HB 1201 Building Designations by Gibson, A.**
 - **HB 215 Tax on Sales, Use, and Other Transactions by Coley**
 - **HB 575 School Safety by Thompson, N., and Aubuchon**
 - **HB 355 Florida Teachers Lead Program Stipend by Vana**
- V. Consideration of a recommendation for a Proposed Council Bill relating to the Option to Divide School Districts.**
- VI. Adjournment**

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Bill No. 0215

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Committee on K-12
2 Representative(s) Coley offered the following:

3
4 **Amendment**

5 Remove lines 17-31 and insert:

6 price of \$50 or less per item during the period from 12:01 a.m.,
7 August 4, 2007, through midnight, August 13, 2007.

8 2. As used in this paragraph, the term:

9 a. "Book" means a set of printed sheets bound together and
10 published in a volume. For purposes of this paragraph, the term
11 "book" does not include newspapers, magazines, or other
12 periodicals.

13 b. "Clothing" means any article of wearing apparel,
14 including all footwear, except skis, swim fins, roller blades,
15 and skates, intended to be worn on or about the human body. For
16 purposes of this paragraph, the term "clothing" does not include
17 watches, watchbands, jewelry, umbrellas, or handkerchiefs.

18 (b)1. School supplies having a sales price of \$10 or less
19 per item during the period from 12:01 a.m., August 4, 2007,
20 through midnight, August 13, 2007.

1 A bill to be entitled
 2 An act relating to the tax on sales, use, and other
 3 transactions; specifying a period during which the sale of
 4 books, clothing, and school supplies are exempt from the
 5 tax; providing definitions; providing exceptions;
 6 authorizing the Department of Revenue to adopt rules;
 7 providing an appropriation; providing an effective date.

8

9 Be It Enacted by the Legislature of the State of Florida:

10

11 Section 1. (1) No tax levied under the provisions of
 12 chapter 212, Florida Statutes, shall be collected on the sale
 13 of:

14 (a)1. Books, clothing, wallets, or bags, including
 15 handbags, backpacks, fanny packs, and diaper bags, but excluding
 16 briefcases, suitcases, and other garment bags, having a sales
 17 price of \$100 or less per item during the period from 12:01
 18 a.m., July 21, 2007, through midnight, July 30, 2007.

19 2. As used in this paragraph, the term:

20 a. "Book" means a set of printed sheets bound together and
 21 published in a volume. For purposes of this paragraph, the term
 22 "book" does not include newspapers, magazines, or other
 23 periodicals.

24 b. "Clothing" means any article of wearing apparel,
 25 including all footwear, except skis, swim fins, roller blades,
 26 and skates, intended to be worn on or about the human body. For
 27 purposes of this paragraph, the term "clothing" does not include
 28 watches, watchbands, jewelry, umbrellas, or handkerchiefs.

29 (b)1. School supplies having a sales price of \$10 or less
 30 per item during the period from 12:01 a.m., July 21, 2007,
 31 through midnight, July 30, 2007.

32 2. As used in this paragraph, the term "school supplies"
 33 means pens, pencils, erasers, crayons, notebooks, notebook
 34 filler paper, legal pads, composition books, poster paper,
 35 scissors, cellophane tape, glue or paste, rulers, computer
 36 disks, protractors, compasses, and calculators.

37 (2) This section does not apply to sales within a theme
 38 park or entertainment complex as defined in s. 509.013(9),
 39 Florida Statutes, within a public lodging establishment as
 40 defined in s. 509.013(4), Florida Statutes, or within an airport
 41 as defined in s. 330.27(2), Florida Statutes.


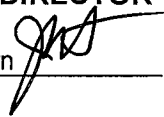
42 (3) Notwithstanding chapter 120, Florida Statutes, the
 43 Department of Revenue may adopt rules to carry out this section.

44 Section 2. The sum of \$206,000 is appropriated from the
 45 General Revenue Fund to the Department of Revenue for purposes
 46 of administering section 1.

47 Section 3. This act shall take effect July 1, 2007.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 215 Tax on Sales, Use, and Other Transactions
SPONSOR(S): Coley and others
TIED BILLS: IDEN./SIM. BILLS: SB 1456

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Committee on K-12		Gillespie 	Ahearn 
2) Schools & Learning Council			
3) Policy & Budget Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

House Bill 215 establishes a 2007 sales tax holiday: July 21-30, 2007 (10 days). During the sales tax holiday, books, clothing, footwear, wallets, and bags that cost \$100 or less, and school supplies that cost \$10 or less, are exempt from the state sales tax and county discretionary sales surtaxes (commonly called "local option sales taxes"). The bill specifies that the sales tax holiday does not apply to sales within a theme park, entertainment complex, public lodging establishment, or airport. The bill provides a \$206,000 appropriation to the Department of Revenue for the administration of the sales tax holiday.

The Revenue Estimating Conference is scheduled to review the bill's revenue impact on March 9, 2007. A 2005 forecast of a similar bill's revenue impact estimated a \$43-million reduction in state revenue sources and a \$9-million reduction in local revenue sources. The Revenue Estimating Conference is anticipated to forecast a greater revenue impact for this bill. Because of the potential significant impact to local government, under Section 18(b), Article VII of the State Constitution, the bill may require a two-thirds vote of the membership of each house of the Legislature.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure Lower Taxes: The bill temporarily reduces state and local tax collections.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Current law imposes a 6-percent tax on the retail sale of tangible personal property,¹ which includes books, clothing, footwear, wallets, bags, and school supplies.

In addition, county governments may impose discretionary sales surtaxes (e.g., indigent care and trauma center surtax, county public hospital surtax, school capital outlay surtax).² County discretionary sales surtaxes (commonly called "local option sales taxes") apply to all transactions in the county which are subject to the state sales tax.³

History of Sales Tax Holidays:

Since 1998, the Legislature has enacted seven temporary exemptions (commonly called "sales tax holidays") from the state sales tax and county discretionary sales surtaxes.⁴ The 1998 sales tax holiday exempted clothing and footwear that cost \$50 or less from taxation for 7 days.

Since 1999, each sales tax holiday has extended for 9 days. Beginning in 1999, in addition to exempting clothing and footwear from taxation, each sales tax holiday has also exempted wallets and bags.

Except for 1999 and 2000, the sales tax holiday has been limited to clothing, footwear, wallets, and bags that cost \$50 or less. In 1999 and 2000, the Legislature increased the exemption to \$100 or less.

Beginning in 2001, each sales tax holiday has also exempted school supplies that cost \$10 or less from taxation. Since 2004, the Legislature has also exempted books that cost \$50 or less from taxation.

For each sales tax holiday, the Legislature has provided the Department of Revenue with an appropriation ranging from \$200,000 to \$215,000 to administer the sales tax holiday.

¹ Sections 212.02(19) and 212.05(1)(a)1.a., Florida Statutes.

² Section 212.055, Florida Statutes.

³ Section 212.054(2)(a), Florida Statutes.

⁴ Chapters 98-341, 99-229, 2000-175, 2001-148, 2004-73, 2005-271, and 2006-63, Laws of Florida.

The following table summarizes the history of the sales tax holidays:

Dates	Length	TAX EXEMPTION THRESHOLDS				Appropriation/ DOR
		Clothing/ Footwear	Wallets/ Bags	Books	School Supplies	
August 15-21, 1998	7 days	\$50 or less	N/A	N/A	N/A	\$200,000
July 31-August 8, 1999	9 days	\$100 or less	\$100 or less	N/A	N/A	\$200,000
July 29-August 6, 2000	9 days	\$100 or less	\$100 or less	N/A	N/A	\$215,000
July 28-August 5, 2001	9 days	\$50 or less	\$50 or less	N/A	\$10 or less	\$200,000
July 24-August 1, 2004	9 days	\$50 or less	\$50 or less	\$50 or less	\$10 or less	\$206,000
July 23-31, 2005	9 days	\$50 or less	\$50 or less	\$50 or less	\$10 or less	\$206,000
July 22-30, 2006	9 days	\$50 or less	\$50 or less	\$50 or less	\$10 or less	\$206,000

Tax Information Publications:

Since 2004, the Department of Revenue has published a Tax Information Publication (“TIP”) for each sales tax holiday.⁵ A TIP provides detailed information about the sales tax holiday, including instructions and specific examples, for dealers who collect the tax.

Proposed Changes:

The bill establishes a 2007 sales tax holiday: July 21-30, 2007 (10 days). During the sales tax holiday, the following items that cost \$100 or less are exempt from the state sales tax and county discretionary sales surtaxes:

- Books (defined as “printed sheets bound together and published in a volume,” but excluding newspapers, magazines, and other periodicals);
- Clothing and Footwear (defined as an “article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body,” but excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs);
- Wallets; and
- Bags (including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags).

During the 10-day sales tax holiday, the bill also exempts schools supplies that cost \$10 or less per item, which the bill defines as “pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses, and calculators.”

The bill specifies that the sales tax holiday does not apply to sales within a theme park, entertainment complex, public lodging establishment, or airport. Thus, any sales in these locations would be subject to taxation during the sales tax holiday.

The bill authorizes the Department of Revenue to adopt rules to carry out the sales tax holiday.

The bill provides an appropriation of \$206,000 to the Department of Revenue for administering the sales tax holiday. The funds are appropriated from the General Revenue Fund, although the bill does not specify the fiscal year for which the funds are appropriated or whether recurring or nonrecurring funds are provided.

The bill provides an effective date of July 1, 2007.

⁵ See Florida Department of Revenue, *2004 Sales Tax Holiday*, TIP# 04A01-05 (June 10, 2004); *2005 Sales Tax Holiday*, TIP# 05A01-02 (June 1, 2005), and *2006 Sales Tax Holiday*, TIP# 06A01-04 (June 9, 2006).

C. SECTION DIRECTORY:

Section 1. Creates and unnumbered section of law which creates a temporary exemption from the state sales tax and county discretionary sales surtaxes.

Section 2. Provides an appropriation.

Section 3. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Revenue Estimating Conference is scheduled to review the bill's revenue impact on March 9, 2007. On February 4, 2005, the conference reviewed a similar bill⁶ and estimated that it would reduce state revenue sources by \$43 million. Due to increases in price levels since 2005, and since the 2005 bill provided for a 9-day sales tax holiday, while this bill establishes a 10-day sales tax holiday, it is anticipated that the Revenue Estimating Conference will forecast a greater revenue impact for this bill.

2. Expenditures:

According to the Department of Revenue, the bill is estimated to have a nonrecurring appropriations impact of \$224,110. This estimate is based on printing and postage for a Tax Information Publication ("TIP") on the 2007 Sales Tax Holiday to be mailed to the state's 670,000 projected active sales tax accounts. In addition, the estimate includes printing of an additional 10,000 copies of the TIP to be used for taxpayer education seminars and distribution to the public upon request.

Printing	\$68,000	(\$0.10 each x 680,000 copies)
Standard Postage	\$156,110	(\$0.23 each x 670,000 copies)
TOTAL	\$224,110	

The bill provides an appropriation of \$206,000 for the Department of Revenue to administer the sales tax holiday, \$18,110 less than the estimated costs projected by the department.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The Revenue Estimating Conference is scheduled to review the bill's revenue impact on March 9, 2007. On February 4, 2005, the conference reviewed a similar bill⁶ and estimated that it would reduce local revenue sources by \$9 million. Due to increases in price levels since 2005, and since the 2005 bill provided for a 9-day sales tax holiday, while this bill establishes a 10-day sales tax holiday, it is anticipated that the Revenue Estimating Conference will forecast a greater revenue impact for this bill.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill establishes a sales tax holiday for July 21-30, 2007, approximately 3 to 4 weeks before school districts are likely to open public schools for the 2007-2008 school year. Due to the timing of the sales tax holiday, families will be able to save money on books, clothing, footwear, wallets, bags, and school

⁶ House Bill 101 (2005 Regular Session).
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DATE: 2/26/2007

supplies before the beginning of the school year. In addition, the tax exemption would likely increase the sales of exempt items during the 10-day sales tax holiday.

Although retail sellers may incur costs of reprogramming cash registers and accounting systems, the costs would likely be mitigated by the use of existing procedures developed for previous sales tax holidays.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Section 18(b), Article VII of the State Constitution specifies that, "[e]xcept upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenues in the aggregate, as such authority exists on February 1, 1989."

The Revenue Estimating Conference is scheduled to review the bill's revenue impact on March 9, 2007. On February 4, 2005, the conference reviewed a similar bill⁷ and estimated that it would reduce local revenue sources by \$9 million. The Revenue Estimating Conference is anticipated to forecast a greater revenue impact for this bill. Because of the potential significant impact to local government, the bill may require a two-thirds vote of the membership of each house of the Legislature.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides that "[n]otwithstanding chapter 120, Florida Statutes, the Department of Revenue may adopt rules to carry out this section." Thus, the bill authorizes, but does not require, the department to adopt rules concerning the sales tax holiday. If the department does decide to adopt rules, the bill appears to exempt the department from the rulemaking requirements in chapter 120, Florida Statutes (Administrative Procedure Act). According to the Department of Revenue, it has not adopted rules for the previous sales tax holidays but instead has issued a Tax Information Publication ("TIP") and other written interpretations of law issued to taxpayers and dealers who collect the tax.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

⁷ See note 6.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 355**

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: K-12

2 Representative(s) Flores offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 1012.71, Florida Statutes, is amended to
7 read:

8 1012.71 The Florida Teachers Lead Program Stipend.--

9 (1) Funding for the Florida Teachers Lead Program Stipend
10 shall be as determined by the Legislature in the General
11 Appropriations Act. Funds appropriated for the Florida Teachers
12 Lead Program Stipend are provided to purchase classroom
13 materials and supplies used in the instruction of students in
14 ~~kindergarten~~ prekindergarten through grade 12 of the public
15 school system who are funded through the Florida Education
16 Finance Program, including charter schools. From the funds
17 appropriated, the Commissioner of Education shall calculate an
18 amount for each school district by prorating the total of each
19 school district's share of the total ~~K-12~~ unweighted FTE student
20 enrollment in prekindergarten through grade 12, who are funded
21 through the Florida Education Finance Program.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 (2) From the funds allocated to each district, the
23 district school board shall calculate an identical amount for
24 each classroom teacher which is his or her proportionate share
25 of the amount allocated to the district for the total number of
26 classroom teachers in the district, including charter schools.
27 A job-share classroom teacher is to receive his or her prorated
28 share of a regular full time classroom teacher's proportionate
29 share of the stipend. The district school board shall provide
30 the funds no later than September 30 of each year directly to
31 each classroom teacher or charter school as a stipend to
32 purchase, on behalf of the school district or charter school,
33 classroom materials and supplies to be used in the instruction
34 of students assigned to the teacher. Each classroom teacher
35 shall have sole discretion regarding which classroom materials
36 and supplies best meet the needs of the students, when they are
37 needed, and where they are acquired. The funds expended by
38 individual classroom teachers shall not be subject to state or
39 local competitive bidding requirements. Disbursement of Florida
40 Teachers Lead Program Stipend funds directly to each classroom
41 teacher, or charter school, shall complete the school district's
42 expenditure of these funds, and disbursement to the charter
43 school classroom teacher shall complete the charter school's
44 expenditure of these funds.

45 (3) Each classroom teacher shall sign a statement
46 acknowledging receipt of the funds, agreeing to keep receipts to
47 show the expenditure of the funds used to purchase classroom
48 materials and supplies for use in the instruction of the
49 students assigned to them, and agreeing to return any unused
50 funds by the end of the regular school year. The statement to be
51 signed and dated by each classroom teacher for receipt of the
52 Florida Teachers Lead Program Stipend shall include the wording:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

53 "I, (Name of teacher) , am employed by the _____ County District
54 School Board or by the _____ Charter School as a regular full-
55 time or job-share classroom teacher. I acknowledge that Florida
56 Teachers Lead Program Stipend funds are appropriated by the
57 Legislature for the sole purpose of purchasing classroom
58 materials and supplies to be used in the instruction of students
59 assigned to me. In accepting custody of these funds, I agree to
60 keep receipts for all expenditures. I understand that if I do
61 not keep receipts showing these funds were spent to purchase
62 classroom materials and supplies for use with my students, it
63 will be my personal responsibility to pay any federal taxes due
64 on these funds. I also agree to return any unused funds to the
65 district school board at the end of the regular school year for
66 deposit into the School Advisory Council account of the school
67 at which I was employed at the time of the receipt of the
68 funds." or for deposit into the district's Teachers Lead Program
69 account of the district in which the charter school is
70 sponsored, as applicable."

71 (4) Florida Teachers Lead Program Stipend funds shall be
72 provided to each classroom teacher in addition to any other
73 funds appropriated for public school operations.

74 (5) Any unused funds which are returned to the district
75 school board shall be deposited into the School Advisory Council
76 account of the school at which the classroom teacher returning
77 the funds was employed at the time of the receipt of the
78 funds, or deposited into the Teachers Lead Program account of
79 the district in which the charter school is sponsored, as
80 applicable.

81 (6) For purposes of this section, the term "classroom
82 teacher" includes certified teachers employed on or before
83 September 1 of each year whose regular full-time or job-share

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

84 ~~job~~ responsibility is the classroom instruction of students in
85 ~~kindergarten~~ prekindergarten through grade 12, who are funded
86 through the Florida Education Finance Program, and full-time
87 media specialists and guidance counselors who serve such
88 students, including charter schools. A job-share classroom
89 teacher is a teacher who shares a full-time position with two or
90 more other classroom teachers. ~~in kindergarten through grade 12.~~
91 Only school district and charter school personnel employed in
92 these positions are eligible for the classroom materials and
93 supply stipend from funds appropriated to implement the
94 provisions of this section.

95

96 Section 2. This act shall take effect July 1, 2007.

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

98 Remove the entire title and insert:

99 An act relating to the Florida Teachers Lead Program Stipend;
100 amending s. 1012.71, F.S.; extending the stipend to certain
101 teachers of prekindergarten students, job-share classroom
102 teachers, and charter school teachers; providing an effective
103 date.

1 A bill to be entitled
 2 An act relating to the Florida Teachers Lead Program
 3 Stipend; amending s. 1012.71, F.S.; extending the stipend
 4 to teachers of prekindergarten students; providing an
 5 effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:
 8

9 Section 1. Subsections (1) and (6) of section 1012.71,
 10 Florida Statutes, are amended to read:

11 1012.71 The Florida Teachers Lead Program Stipend.--

12 (1) Funding for the Florida Teachers Lead Program Stipend
 13 shall be as determined by the Legislature in the General
 14 Appropriations Act. Funds appropriated for the Florida Teachers
 15 Lead Program Stipend are provided to purchase classroom
 16 materials and supplies used in the instruction of students in
 17 prekindergarten ~~kindergarten~~ through grade 12 of the public
 18 school system. From the funds appropriated, the Commissioner of
 19 Education shall calculate an amount for each school district by
 20 prorating the total of each school district's share of the total
 21 ~~K-12~~ unweighted FTE student enrollment in prekindergarten
 22 through grade 12.

23 (6) For purposes of this section, the term "classroom
 24 teacher" includes certified teachers employed on or before
 25 September 1 of each year whose full-time job responsibility is
 26 the classroom instruction of students in prekindergarten
 27 ~~kindergarten~~ through grade 12, and full-time media specialists
 28 and guidance counselors who serve students in prekindergarten

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29 | ~~kindergarten~~ through grade 12. Only school district personnel
30 | employed in these positions are eligible for the classroom
31 | materials and supply stipend from funds appropriated to
32 | implement the provisions of this section.

33 | Section 2. This act shall take effect July 1, 2007.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 355 Florida Teachers Lead Program Stipend
SPONSOR(S): Vana and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Committee on K-12		Barnhill <i>JB</i>	Ahearn <i>JA</i>
2) Schools & Learning Council			
3) Policy & Budget Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

The Teachers Lead Program Stipend (the stipend) provides teachers with an annual stipend to reimburse their purchases of classroom materials made throughout the year. This bill increases the number of teachers eligible for receiving the stipend, by expanding the stipend to include prekindergarten teachers.

This bill does not appear to have a fiscal impact on state or local governments. However, the stipend amount teachers receive is dependent on the 2007-2008 General Appropriations Act.

The constitutional concern related to the scope of this bill will be addressed by an amendment to be filed by Representative Flores. Please see the CONSTITUTIONAL ISSUES section, III.A.2., of this analysis.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The Teachers Lead Program Stipend, created in 1997, provides an annual stipend to certified, regular full-time kindergarten through grade 12 (K-12) teachers, media specialists, and guidance counselors (collectively referred to as "teachers") employed on or before September 1. This stipend provides reimbursement to teachers for their purchase of classroom materials and supplies. Such purchases are not subject to state or local competitive bidding requirements. Funding for this program is determined by the Legislature in the General Appropriations Act. The Commissioner of Education calculates an amount for each school district by prorating each school district's share of the total K-12 unweighted full time equivalent student enrollment.¹

Eligible teachers must sign an affidavit acknowledging receipt of funds and agreeing to use the funds for the purchase of classroom materials only. Funds must be distributed by the school districts by September 30.²

The Teachers Lead Program Stipend was amended in 2000 to provide direct compensation to teachers for their purchases of classroom materials and supplies. Prior to this amendment, the funds were distributed to each school's internal account and teachers could spend the funds on classroom materials and supplies until their allocation was fully expended.

Effects of Proposed Changes

This bill expands the number of teachers eligible for the Teachers Lead Program Stipend from teachers serving children in kindergarten through grade 12 (K-12) to teachers serving children in prekindergarten (PreK) through grade 12. In 2006-07, there were 169,106 public K-12 teachers, media specialists, and guidance counselors. There were 9,261 public PreK teachers. If public PreK teachers were included, the number of eligible teachers would increase to 178,367 Prek-12 teachers.

The bill may be construed to include private PreK teachers in the number of eligible teachers to receive the stipend. If construed to include private PreK teachers, the number of eligible teachers will increase to an indeterminate number.

C. SECTION DIRECTORY:

Section 1. Amends s. 1012.71, F.S., expanding the eligible stipend recipients to include prekindergarten teachers.

Section 2. Provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

¹ section 1012.71, F.S.

² section 1012.71(3), F.S.

The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not require the expenditure of state funds. However, in order to maintain the current stipend amount of approximately \$266, if only public prekindergarten teachers were included in the number of eligible teachers, the allocation would need to increase by \$2,467,173, making the total allocation \$47,488,579 (from 169,106 K-12 classroom teachers to 178,367 public PreK-12 classroom teachers).³

In 2006-07, the Legislature appropriated \$45,021,406⁴ for an average K-12 Teachers Lead Stipend of approximately \$266 per recipient.⁵ In 2006-07, if public prekindergarten teachers (9,261 such teachers) were included without an increase in the 2006-07 allocation, the average teacher's stipend would decrease by approximately \$14. If the bill is construed to include private school PreK teachers, the number of eligible teachers will increase to an indeterminate number, and the stipend would be reduced accordingly.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill, as filed, could allow all voluntary prekindergarten (PreK) teachers to receive the Teacher Lead Program Stipend, thus benefiting PreK teachers working in the private sector, as well as in the public sector.

D. FISCAL COMMENTS:

Current funding for this program is \$45,021,406, as specified in the 2006-2007 General Appropriations Act, specific appropriation 97.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

³ Florida Department of Education, Governmental Relations Office, 2007 Legislative Bill Analysis on HB 355: Teachers Lead Program Stipend/PreK.

⁴ Specific Appropriation 97, ch. 2006-25, L.O.F.

⁵ Florida Department of Education, Governmental Relations Office, 2007 Legislative Bill Analysis on HB 355: Teachers Lead Program Stipend/PreK.

This bill may raise constitutional concerns by providing state funds to prekindergarten teachers in private schools (i.e., private sector VPK providers). See Fla. Const. art. IX, s. 1(a). However, an amendment will be filed by Representative Flores that addresses this issue. Her amendment will clarify that the bill is not intended to include VPK teachers. The amendment will do this by expressly requiring the distribution of funds to classroom teachers serving only Florida Education Finance Program (FEFP) funded students. VPK students are not funded through the FEFP, but receive a separate allocation in the General Appropriation Act. Her amendment will further clarify that the bill is not intended to include Title I, School Readiness programs. Title I, School Readiness programs are funded through federal dollars, not through the FEFP.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

This stipend is not currently provided to charter school classroom teachers; however, the students attending charter schools are included in the calculation of a district's unweighted full time equivalent enrollment, thus increasing the amount of funds disbursed to a district. Accordingly, it would appear more equitable if charter school classroom teachers receive this stipend, given that their students are included in the calculation of a district's share of the appropriation.

This stipend is also unavailable to regular, part-time teachers whose full-time job responsibility is the classroom instruction of students in K-12, e.g., job share teachers. However, the students of these teachers are included in the calculation of districts' unweighted full time equivalent enrollment, thus increasing the amount of funds disbursed to the district.

An amendment will be filed by Representative Flores to address these issues.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

HB 575

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Bill No. 0575

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Committee on K-12
2 Representative(s) N. Thompson offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 1006.147, Florida Statutes, is created
7 to read:

8 1006.147 Bullying and harassment prohibited.--

9 (1) This section may be cited as the "Jeffrey Johnston
10 Stand Up for All Students Act."

11 (2) Bullying or harassment is prohibited:

12 (a) Against any student or employee of a public K-12
13 educational institution.

14 (b) During any education program or activity conducted by
15 a public K-12 educational institution;

16 (c) During any school-related or school-sponsored program
17 or activity or on a school bus of a public K-12 educational
18 institution; or

19 (d) Through the use of data or computer software that is
20 accessed through a computer, computer system, or computer
21 network of a public K-12 educational institution.

22 (3) For purposes of this section:

3-12-07 4:04 pm

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

23 (a) "Bullying" means systematically and chronically
24 inflicting physical hurt or psychological distress on one or
25 more students and may involve:

- 26 1. Teasing;
27 2. Social exclusion;
28 3. Threat;
29 4. Intimidation;
30 5. Stalking;
31 6. Physical violence;
32 7. Theft;
33 8. Sexual, religious, or racial harassment;
34 9. Public humiliation; or
35 10. Destruction of property.

36 (b) "Harassment" means any threatening, insulting, or
37 dehumanizing gesture, use of data or computer software, or
38 written, verbal, or physical conduct directed against a student
39 or school employee that:

- 40 1. Places a student or school employee in reasonable fear
41 of harm to his or her person or damage to his or her property;
42 2. Has the effect of substantially interfering with a
43 student's educational performance, opportunities, or benefits;
44 or
45 3. Has the effect of substantially disrupting the orderly
46 operation of a school.

47 (c) Definitions in s. 815.03 relating to computer crimes
48 and s. 784.048 relating to stalking are applicable to this
49 section.

50 (d) The definitions of "bullying" and "harassment"
51 include:

- 52 1. Retaliation against a student or school employee by
53 another student or school employee for asserting or alleging an

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

54 act of bullying or harassment. Reporting an act of bullying or
55 harassment that is not made in good faith is considered
56 retaliation.

57 2. Perpetuation of conduct listed in paragraph (a) or
58 paragraph (b) by an individual or group with intent to demean,
59 dehumanize, embarrass, or cause physical harm to a student or
60 school employee by:

61 a. Incitement or coercion;

62 b. Accessing or knowingly causing or providing access to
63 data or computer software through a computer, computer system,
64 or computer network within the scope of the district school
65 system; or

66 c. Acting in a manner that has an effect substantially
67 similar to the effect of bullying or harassment.

68 (4) By December 1, 2007, each school district shall adopt
69 a policy prohibiting bullying and harassment against any student
70 or employee of a public K-12 educational institution. Each
71 school district's policy shall be in substantial conformity with
72 the Department of Education's model policy mandated in
73 subsection (5). The school district bullying and harassment
74 policy shall afford all students the same protection regardless
75 of their status under the law. The school district may establish
76 separate discrimination policies that include categories of
77 students. The school district shall involve students, parents,
78 teachers, administrators, school staff, school volunteers,
79 community representatives, and local law enforcement agencies in
80 the process of adopting the policy. The school district policy
81 must be implemented in a manner that is ongoing throughout the
82 school year and integrated with a school's curriculum, a
83 school's discipline policies, and other violence prevention

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

84 efforts. The school district policy must contain, at a minimum,
85 the following components:

86 (a) A statement prohibiting bullying and harassment.

87 (b) A definition of bullying and a definition of
88 harassment that include the definitions listed in this section.

89 (c) A description of the type of behavior expected from
90 each student and school employee.

91 (d) The consequences for a student or employee of a public
92 K-12 educational institution who commits an act of bullying or
93 harassment.

94 (e) The consequences for a student or employee of a public
95 K-12 educational institution who is found to have wrongfully and
96 intentionally accused another of an act of bullying or
97 harassment.

98 (f) A procedure for reporting an act of bullying or
99 harassment, including provisions that permit a person to
100 anonymously report such an act. However, this paragraph does not
101 permit formal disciplinary action to be based solely on an
102 anonymous report.

103 (g) A procedure for the prompt investigation of a report
104 of bullying or harassment and the persons responsible for the
105 investigation. The investigation of a reported act of bullying
106 or harassment is deemed to be a school-related activity and
107 begins with a report of such an act.

108 (h) A process to investigate whether a reported act of
109 bullying or harassment is within the scope of the district
110 school system and, if not, a process for referral of such an act
111 to the appropriate jurisdiction.

112 (i) A procedure for providing immediate notification to
113 the parents of a victim of bullying or harassment of all local

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

114 agencies where criminal charges may be pursued against the
115 perpetrator.

116 (j) A procedure to refer victims and perpetrators of
117 bullying or harassment for counseling.

118 (k) A procedure for including incidents of bullying or
119 harassment in the school's report of safety and discipline data
120 required under s. 1006.09(6). The report must include each
121 incident of bullying or harassment and the resulting
122 consequences, including discipline and referrals. The report
123 must include in a separate section each reported incident of
124 bullying or harassment that does not meet the criteria of a
125 prohibited act under this section with recommendations regarding
126 such incidents. The Department of Education shall aggregate
127 information contained in the reports.

128 (l) A procedure for providing instruction to students,
129 parents, teachers, school administrators, counseling staff, and
130 school volunteers on identifying, preventing, and responding to
131 bullying or harassment.

132 (m) A procedure for regularly reporting to a victim's
133 parents the actions taken to protect the victim.

134 (n) A procedure for publicizing the policy, which must
135 include its publication in the code of student conduct required
136 under s. 1006.07(2) and in all employee handbooks.

137 (5) To assist school districts in developing policies
138 prohibiting bullying and harassment, the Department of Education
139 shall develop a model policy that shall be provided to school
140 districts no later than October 1, 2007.

141 (6) A school employee, school volunteer, student, or
142 parent who promptly reports in good faith an act of bullying or
143 harassment to the appropriate school official designated in the
144 school district's policy and who makes this report in compliance

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

145 with the procedures set forth in the policy is immune from a
146 cause of action for damages arising out of the reporting itself
147 or any failure to remedy the reported incident.

148 (7) (a) The physical location or time of access of a
149 computer-related incident cannot be raised as a defense in any
150 disciplinary action initiated under this section.

151 (b) This section does not apply to any person who uses
152 data or computer software that is accessed through a computer,
153 computer system, or computer network when acting within the
154 scope of his or her lawful employment or investigating a
155 violation of this section in accordance with school district
156 policy.

157 (8) Distribution of safe schools funds to a school
158 district provided in the 2008-2009 General Appropriations Act is
159 contingent upon and payable to the school district upon the
160 Department of Education's approval of the school district's
161 bullying and harassment policy. The department's approval of
162 each school district's bullying and harassment policy shall be
163 granted upon certification by the department that the school
164 district's policy has been submitted to the department and is in
165 substantial conformity with the department's model bullying and
166 harassment policy as mandated in subsection (5). Distribution of
167 safe schools funds provided to a school district in fiscal year
168 2009-2010 and thereafter shall be contingent upon and payable to
169 the school district upon the school district's compliance with
170 all reporting procedures contained in this section.

171 (9) On or before January 1 of each year, the Commissioner
172 of Education shall report to the Governor, the President of the
173 Senate, and the Speaker of the House of Representatives on the
174 implementation of this section. The report shall include data
175 collected pursuant to paragraph (4) (k).

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

176 (10) Nothing in this section shall be construed to abridge
177 the rights of students or school employees that are protected by
178 the First Amendment to the Constitution of the United States.

179 Section 2. This act shall take effect upon becoming a law.
180
181

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

183 Remove the entire title and insert:

184 A bill to be entitled
185 An act relating to school safety; creating s. 1006.147,
186 F.S.; providing a short title; prohibiting bullying and
187 harassment against any student or employee of a public K-
188 12 educational institution; providing definitions;
189 requiring each school district to adopt a policy
190 prohibiting such bullying and harassment; providing
191 minimum requirements for the contents of the policy;
192 requiring the Department of Education to develop a model
193 policy; providing immunity; providing restrictions with
194 respect to defense of an action and application of the
195 section; requiring department approval of a school
196 district's policy and school district compliance with
197 reporting procedures as prerequisites to receipt of safe
198 schools funds; requiring a report on implementation;
199 providing an effective date.

1 A bill to be entitled
 2 An act relating to school safety; creating s. 1006.147,
 3 F.S.; providing a short title; prohibiting bullying and
 4 harassment during education programs and activities, on
 5 school buses, or through use of data or computer software
 6 accessed through computer systems of certain educational
 7 institutions; providing definitions; requiring each school
 8 district to adopt a policy prohibiting such bullying and
 9 harassment; providing minimum requirements for the
 10 contents of the policy; requiring the Department of
 11 Education to develop model policies; providing immunity;
 12 providing restrictions with respect to defense of an
 13 action and application of the section; requiring
 14 department approval of a school district's policy and
 15 school district compliance with reporting procedures as
 16 prerequisites to receipt of safe schools funds; requiring
 17 a report on implementation; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 1006.147, Florida Statutes, is created
 22 to read:

23 1006.147 Bullying and harassment prohibited.--

24 (1) This section may be cited as the "Jeffrey Johnston
 25 Stand Up for All Students Act."

26 (2) Bullying or harassment of any student or school
 27 employee is prohibited:

28 (a) During any education program or activity conducted by

29 a public K-12 educational institution;

30 (b) During any school-related or school-sponsored program
 31 or activity or on a school bus of a public K-12 educational
 32 institution; or

33 (c) Through the use of data or computer software that is
 34 accessed through a computer, computer system, or computer
 35 network of a public K-12 educational institution.

36 (3) For purposes of this section:

37 (a) "Bullying" means systematically and chronically
 38 inflicting physical hurt or psychological distress on one or
 39 more students and may involve:

- 40 1. Teasing;
- 41 2. Social exclusion;
- 42 3. Threat;
- 43 4. Intimidation;
- 44 5. Stalking;
- 45 6. Physical violence;
- 46 7. Theft;
- 47 8. Sexual, religious, or racial harassment;
- 48 9. Public humiliation; or
- 49 10. Destruction of property.

50 (b) "Harassment" means any threatening, insulting, or
 51 dehumanizing gesture, use of data or computer software, or
 52 written, verbal, or physical conduct directed against a student
 53 or school employee that:

- 54 1. Places a student or school employee in reasonable fear
 55 of harm to his or her person or damage to his or her property;
- 56 2. Has the effect of substantially interfering with a

57 student's educational performance, opportunities, or benefits;
 58 or

59 3. Has the effect of substantially disrupting the orderly
 60 operation of a school.

61 (c) Definitions in s. 815.03 relating to computer crimes
 62 and s. 784.048 relating to stalking are applicable to this
 63 section.

64 (d) The terms "bullying" and "harassment" include:

65 1. Retaliation against a student or school employee by
 66 another student or school employee for asserting or alleging an
 67 act of bullying or harassment. Reporting an act of bullying or
 68 harassment that is not made in good faith is considered
 69 retaliation.

70 2. Perpetuation of conduct listed in paragraph (a) or
 71 paragraph (b) by an individual or group with intent to demean,
 72 dehumanize, embarrass, or cause physical harm to a student or
 73 school employee by:

74 a. Incitement or coercion;

75 b. Accessing or knowingly causing or providing access to
 76 data or computer software through a computer, computer system,
 77 or computer network within the scope of the district school
 78 system; or

79 c. Acting in a manner that has an effect substantially
 80 similar to the effect of bullying or harassment.

81 (4) By December 1, 2007, each school district shall adopt
 82 a policy prohibiting bullying and harassment on school property,
 83 at a school-related or school-sponsored program or activity, on
 84 a school bus, or through the use of data or computer software

85 that is accessed through a computer, computer system, or
 86 computer network within the scope of the district school system.
 87 The school district bullying and harassment policy shall afford
 88 all students the same protection regardless of their status
 89 under the law. The school district may establish separate
 90 discrimination policies that include categories of students. The
 91 school district shall involve students, parents, teachers,
 92 administrators, school staff, school volunteers, community
 93 representatives, and local law enforcement agencies in the
 94 process of adopting the policy. The school district policy must
 95 be implemented in a manner that is ongoing throughout the school
 96 year and integrated with a school's curriculum, a school's
 97 discipline policies, and other violence prevention efforts. The
 98 school district policy must contain, at a minimum, the following
 99 components:

100 (a) A statement prohibiting bullying and harassment.
 101 (b) A definition of bullying and a definition of
 102 harassment.

103 (c) A description of the type of behavior expected from
 104 each student and school employee.

105 (d) The consequences for a person who commits an act of
 106 bullying or harassment.

107 (e) The consequences for a person who is found to have
 108 wrongfully and intentionally accused another of an act of
 109 bullying or harassment.

110 (f) A procedure for reporting an act of bullying or
 111 harassment, including provisions that permit a person to
 112 anonymously report such an act. However, this paragraph does not

113 permit formal disciplinary action to be based solely on an
114 anonymous report.

115 (g) A procedure for the prompt investigation of a report
116 of bullying or harassment and the persons responsible for the
117 investigation. The investigation of a reported act of bullying
118 or harassment is deemed to be a school-related activity and
119 begins with a report of such an act.

120 (h) A process to investigate whether a reported act of
121 bullying or harassment is within the scope of the district
122 school system and, if not, a process for referral of such an act
123 to the appropriate jurisdiction.

124 (i) A procedure for providing immediate notification to
125 the parents of a victim of bullying or harassment of all local
126 agencies where criminal charges may be pursued against the
127 perpetrator.

128 (j) A procedure to refer victims and perpetrators of
129 bullying or harassment for counseling.

130 (k) A procedure for including incidents of bullying or
131 harassment in the school's report of safety and discipline data
132 required under s. 1006.09(6). The report must include each
133 incident of bullying or harassment and the resulting
134 consequences, including discipline and referrals. The report
135 must include in a separate section each reported incident of
136 bullying or harassment that does not meet the criteria of a
137 prohibited act under this section with recommendations regarding
138 such incidents. The Department of Education shall aggregate
139 information contained in the reports.

140 (l) A procedure for providing instruction to students,

141 parents, teachers, school administrators, counseling staff, and
142 school volunteers on identifying, preventing, and responding to
143 bullying or harassment.

144 (m) A procedure for regularly reporting to a victim's
145 parents the actions taken to protect the victim.

146 (n) A procedure for publicizing the policy, which must
147 include its publication in the code of student conduct required
148 under s. 1006.07(2) and in all employee handbooks.

149 (5) To assist school districts in developing policies
150 prohibiting bullying and harassment, the Department of Education
151 shall develop model policies, which must be provided to school
152 districts no later than October 1, 2007.

153 (6) A school employee, school volunteer, student, or
154 parent who promptly reports in good faith an act of bullying or
155 harassment to the appropriate school official designated in the
156 school district's policy and who makes this report in compliance
157 with the procedures set forth in the policy is immune from a
158 cause of action for damages arising out of the reporting itself
159 or any failure to remedy the reported incident.

160 (7) (a) The physical location or time of access of a
161 computer-related incident cannot be raised as a defense in any
162 disciplinary action or prosecution initiated under this section.

163 (b) This section does not apply to any person who uses
164 data or computer software that is accessed through a computer,
165 computer system, or computer network when acting within the
166 scope of his or her lawful employment or investigating a
167 violation of this section in accordance with school district
168 policy.

169 (8) Distribution of safe schools funds to a school
 170 district provided in the 2008-2009 General Appropriations Act is
 171 contingent upon Department of Education approval of the school
 172 district's bullying and harassment policy. Distribution of safe
 173 schools funds provided to a school district in fiscal year 2009-
 174 2010 and thereafter shall be contingent upon the school
 175 district's compliance with all reporting procedures contained in
 176 this section.

177 (9) On or before January 1 of each year, the Commissioner
 178 of Education shall report to the Governor, the President of the
 179 Senate, and the Speaker of the House of Representatives on the
 180 implementation of this section. The report shall include data
 181 collected pursuant to paragraph (4) (k).

182 (10) Nothing in this section shall be construed to abridge
 183 the rights of students or school employees that are protected by
 184 the First Amendment to the Constitution of the United States.


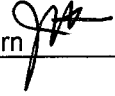
185 Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 575 School Safety

SPONSOR(S): Thompson and others

TIED BILLS: IDEN./SIM. BILLS: SB 114

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Committee on K-12		Gillespie 	Ahearn 
2) Schools & Learning Council			
3) Policy & Budget Council			
4)			
5)			

SUMMARY ANALYSIS

House Bill 575 creates the "Jeffrey Johnston Stand Up for All Students Act." The bill prohibits the bullying or harassment of any student or school employee during a public K-12 education program or activity, during a school-related or school-sponsored program or activity, on a public K-12 school bus, or through a public K-12 computer, computer system, or computer network.

The bill requires a school district to adopt a policy prohibiting bullying and harassment and to include students, parents, teachers, administrators, school staff, volunteers, community representatives, and local law enforcement agencies in the development of the policy. The bill requires a school district to publish its bullying and harassment policy in its codes of student conduct and employee handbooks and requires ongoing implementation throughout the school year, integrated with a school's curriculum, discipline policies, and violence prevention efforts.

For the 2008-2009 school year, a school district's Safe Schools funding would be contingent upon approval of the district's bullying and harassment policy by the Department of Education. The bill also specifies that, beginning with the 2009-2010 school year, a school district's annual allocation of Safe Schools funding would be contingent upon the district's compliance with the bill's reporting procedures.

The bill provides limited civil immunity for a school employee, volunteer, student, or parent who reports bullying or harassment in good faith.

The bill requires the Department of Education to provide school districts with model bullying and harassment policies and requires the Commissioner of Education to submit an annual report to the Governor and Legislature.

The bill raises a number of drafting issues and one constitutional concern (See III. COMMENTS).

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard Individual Liberty: The bill prohibits bullying and harassment of students and school employees and establishes measures to prevent the substantial interference with a student's educational performance.

Empower Families: The bill requires a school district to regularly report to a victim's parents on the actions taken to protect the victim and to immediately notify a victim's parents of the local agencies where criminal charges may be filed against the offender.

Maintain Public Security: The bill prohibits bullying and harassment of students and school employees.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Current research presents various definitions of the term "bullying." For example:

- *"Bullying includes a wide variety of behaviors, but all involve a person or a group repeatedly trying to harm someone who is weaker or more vulnerable. It can involve direct attacks (such as hitting, threatening or intimidating, maliciously teasing and taunting, name-calling, making sexual remarks, and stealing or damaging belongings) or more subtle, indirect attacks (such as spreading rumors or encouraging others to reject or exclude someone)";¹ and*
- *Bullying is a "specific type of aggression in which:*
 - 1) *The behavior is intended to harm or disturb;*
 - 2) *There is an imbalance of power, with a more powerful person or group attacking a less powerful one, and;*
 - 3) *The behavior occurs repeatedly over time."²*

The United States Department of Education reports that, in 2005, 28 percent of students ages 12 to 18 reported having been bullied at school during the previous 6 months.³ Of these students, 58 percent said that the bullying had happened once or twice during the period, 25 percent had experienced bullying once or twice a month, 11 percent reported having been bullied once or twice a week, and 8 percent said they had been bullied almost daily.⁴

Following a series of school shootings in the late 1990s, in which the shooters were reported to be victims of bullying at school, at least 29 states have enacted anti-bullying legislation: Alaska, Arkansas, California, Colorado, Connecticut, Georgia, Idaho, Illinois, Indiana, Louisiana, Maine, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and West Virginia.⁵

¹ National Youth Violence Prevention Resource Center, *Facts for Teens: Bullying 1* (2002), available at <http://hamfish.org/newsroom/bullying411.pdf>.

² Hamilton Fish Institute, George Washington University, *The 4-1-1 on Bullying 6* (September 2004) (citing the Mayo Clinic and the Journal of the American Medical Association), available at <http://hamfish.org/newsroom/bullying411.pdf>.

³ U.S. Department of Education, National Center for Education Statistics, *Indicators of School Crime and Safety: 2007, NCES 2007-003*, vi-vii (December 2006), available at <http://nces.ed.gov/pubs2007/2007003.pdf>.

⁴ *Id.*

⁵ Jennifer Dounay, Education Commission of the States, *State Anti-Bullying Statutes* (April 2005), available at <http://www.ecs.org/clearinghouse/60/41/6041.htm>; Education Commission of the States, *Recent State Policies/Activities:*

The Florida Department of Education reports that it conducted a poll of school districts to determine which districts have an anti-bullying policy. Forty-two districts (approximately 58 percent) responded that they have an anti-bullying policy. The department reports that the general trend among the districts is not to adopt a separate anti-bullying policy but to include bullying as a violation of the code of student conduct and provide for disciplinary action. The department also reports that 24 school districts provide some definition of bullying. In addition, 35 school districts are implementing various bullying prevention programs.⁶

Current Law:

Under current law, a district school board must adopt rules for the control and discipline of students.⁷ A district school board must also adopt two codes of student conduct, one for elementary schools and another for middle and high schools.⁸ A code of student conduct must be based on the school district's rules governing student conduct and discipline; must be organized and written in language understandable to students and parents; and, among other things, must contain:⁹

- Consistent policies, specific grounds for disciplinary action, and disciplinary procedures;
- Explanation of a student's rights and responsibilities;
- Notice that violence against district school board personnel, disruptive behavior on a school bus or at a bus stop, or sexual harassment are grounds for disciplinary action;
- Notice that a student possessing a firearm or weapon at school, at a school function, or on school-sponsored transportation will be expelled; and
- Notice that a student making a threat or false report involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled.

In addition, current law and rules adopted by the State Board of Education require a district school board to adopt a zero-tolerance policy on school violence, crime, the use of weapons, substance abuse, and the victimization of students.¹⁰

Safety/Student Discipline—Bullying/Conflict Resolution, available at
<http://www.ecs.org/ecscat.nsf/WebTopicView?OpenView&RestrictToCategory=Safety/Student+Discipline--Bullying/Conflict+Resolution> (last visited February 28, 2007).

⁶ The Department of Education reports that the following bullying prevention programs are being implemented in the following school districts:

- Aggression Replacement Training (ART): Hernando and Indian River;
- Aggressors, Victims, Bystanders: Brevard, Collier, Columbia, DeSoto, Dixie, Escambia, Flagler, Glades, Lafayette, Levy, Manatee, Okaloosa, Palm Beach, Pinellas, Santa Rosa, Sarasota, St. Lucie, Union, and Volusia;
- Bullying Prevention (Olweus): Marion, Orange, Pasco, Pinellas, Sarasota, Seminole, and Sumter;
- Bullying Safe: Lee;
- Bully-Proofing Your School: Brevard and Volusia;
- Foundations: Creating Safe and Civil Schools: Clay and Duval;
- PATHS: Madison and Okaloosa;
- PeaceBuilders: Franklin and Gulf;
- Positive Action: Charlotte and Leon;
- Project ACHIEVE: Charlotte;
- Safe Schools Ambassadors: Seminole;
- Success in Stages: Build Respect, Stop Bullying: Union; and
- TRUST: Miami-Dade.

Florida Department of Education, *Bullying Programs in Florida Districts*, at http://www.firn.edu/doe/bess/bull_fl.html (last visited March 1, 2007)

⁷ Section 1006.07(1)(a), Florida Statutes.

⁸ Section 1006.07(2), Florida Statutes.

⁹ *Id.*

¹⁰ Section 1006.13(1), Florida Statutes; rule 6A-1.0404(1), Florida Administrative Code.

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A school district's code of student conduct may assign more severe disciplinary actions when the offender appears motivated by hostility toward the victim's real or perceived gender, race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability.¹¹

Further, current law prohibits discrimination on the basis of race, ethnicity, national origin, gender, disability, or marital status against a student or an employee in the state system of public K-20 education.¹² The Department of Education requires educational institutions to create an educational and work environment free of harassment on the basis of race, sex, national origin or handicap.¹³ The department specifies that an institution is responsible for all acts of harassment between fellow employees, fellow students, or by nonemployees, if the institution knew or should have known of the harassment and failed to take corrective action.¹⁴

A district school board is required to protect a student victimized by a violent crime from further victimization.¹⁵ Except under certain circumstances, a student committing specified violent offenses is prohibited from attending the school attended by, or riding the school bus ridden by, the victim or the victim's sibling.¹⁶ In addition, if a violent offense involves a victim, school officials are required to notify the victim, and the victim's parents or legal guardian if the victim is a minor, of the offense and of the victim's right to press charges against the offender.¹⁷

Current law assigns specific duties for student discipline and school safety to certain school district personnel. The duties include:

- A district school superintendent recommends student discipline and school safety plans to the district school board.¹⁸
- A school principal or designee develops policies for delegating to teachers, instructional staff, and school bus drivers the school's responsibility for control of students.¹⁹ A school principal is directed to fully support the authority of a teacher or school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom or school bus.²⁰
- A school principal must also submit reports to the Department of Education on student discipline and school safety.²¹ The Department of Education compiles the reports and publicly reports the data through the School Environmental Safety Incident Reporting (SESIR) system.²² The SESIR system collects data on 22 incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school-sponsored events.
- A school bus driver is responsible for keeping order on the school bus and requiring good behavior from, and protecting, the students on the bus.²³

Safe Schools Funding:

Funding for Safe Schools is included in the Florida Education Finance Program (FEFP) as a categorical fund²⁴ and is appropriated by the Legislature through proviso language in the General Appropriations

¹¹ Rule 6A-1.0404(5), Florida Administrative Code.

¹² Section 1000.05(2)(a), Florida Statutes.

¹³ Rule 6A-19.008, Florida Administrative Code.

¹⁴ *Id.*

¹⁵ Section 1006.13(1)(b), Florida Statutes.

¹⁶ Section 1006.13(5)(b) and (c), Florida Statutes.

¹⁷ Rule 6A-1.0404(6), Florida Administrative Code.

¹⁸ Section 1006.08(1), Florida Statutes.

¹⁹ Section 1006.09(1)(a), Florida Statutes.

²⁰ *Id.*

²¹ Sections 1001.54(3) and 1006.09(6), Florida Statutes.

²² Florida Department of Education, *Statewide Report on School Safety and Discipline Data*, at <http://www.firn.edu/doe/besss/sesir.htm>.

²³ Section 1006.10(1) and (4), Florida Statutes.

Act.²⁵ The Legislature appropriated \$75,350,000 for Safe Schools activities for the 2006-2007 school year. The Safe Schools funds are allocated as follows:

- Each school district receives a \$50,000 base allocation for Safe Schools;
- Two-thirds of the remaining balance is allocated based on the latest official Florida Crime Index provided by the Florida Department of Law Enforcement; and
- One-third is allocated based on each district's share of the state's total unweighted student enrollment.²⁶

School districts may use Safe Schools funds for various activities, including:

- After-school programs for middle school students;
- Other improvements to enhance the learning environment, including implementation of conflict-resolution strategies;
- Alternative school programs for adjudicated youth;
- Suicide prevention programs; and
- Other improvements to make the school a safe place to learn.²⁷

Proposed Changes:

The bill creates the "Jeffrey Johnston Stand Up for All Students Act."²⁸ The bill prohibits the bullying or harassment of any student or school employee during a public K-12 education program or activity, during a school-related or school-sponsored program or activity, on a public K-12 school bus, or through a public K-12 computer, computer system, or computer network.

Definitions:

The bill provides definitions of the terms "bullying" and "harassment":

- **Bullying:** Systematically and chronically inflicting physical hurt or psychological distress on one or more students, which may involve teasing; social exclusion; threat; intimidation; stalking; physical violence; theft; sexual, religious, or racial harassment; public humiliation; or destruction of property.
- **Harassment:** Threatening, insulting, or dehumanizing gesture, use of computers, or written, verbal, or physical conduct directed against a student or school employee that causes reasonable fear of harm to person or property; substantially interferes with a student's educational performance, opportunities, or benefits; or substantially disrupts the orderly operation of a school.

The bill further specifies that bullying and harassment include:

- Retaliating against a student or school employee for reporting bullying or harassment;
- Reporting bullying or harassment, which reporting is not made in good faith;
- Perpetuating bullying or harassment with the intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee by incitement or coercion; use of (or providing access to) a school district's computer, computer system, or computer network; or conduct substantially similar to bullying or harassment.

²⁴ Section 1011.62(6)(b)3., Florida Statutes.

²⁵ Specific Appropriation 91, General Appropriations Act for Fiscal Year 2006-2007, chapter 2006-25, Laws of Florida.

²⁶ *Id.*

²⁷ *Id.*

²⁸ In 2005, Jeffrey Johnson of Cape Coral, a victim of bullying and harassment from his classmates at Ida S. Baker High School in Lee County, committed suicide at the age of 15 years. See <http://jeffrejohnston.org> (last visited March 1, 2007).

The bill also provides that existing statutory definitions for computer crimes²⁹ and stalking apply to the bill.

School District Policies:

The bill requires a school district, by December 1, 2007, to adopt a policy prohibiting bullying and harassment on school property, at a school-related or school-sponsored program or activity, on a school bus, or through a district school system's computer, computer system, or computer network. The policy must:

Enforcement:

- Define and prohibit "bullying" and "harassment";
- Establish procedures for reporting and investigating a report of bullying or harassment, including anonymous reporting (the bill prohibits disciplinary action based solely on anonymous reports);
- Prescribe standards of conduct for students and school employees, disciplinary actions for a person who engages in bullying or harassment, and disciplinary actions for a person who wrongfully and intentionally accuses another of bullying or harassment; and
- Establish procedures for referring bullying and harassment reports outside of the school district's authority to the appropriate officials (the bill specifies that a reported act of bullying or harassment is deemed to be a school-related activity).

Victim Services and Prevention:

- Establish procedures for:
 - Referring victims and offenders of bullying or harassment to counseling;
 - Regular reporting to a victim's parents on the actions taken to protect the victim;
 - Immediate notification of a victim's parents of the local agencies where criminal charges may be filed against the offender; and
 - Training students, parents, teachers, school administrators, counseling staff, and volunteers to identify, prevent, and respond to bullying and harassment.

Statewide Reporting:

- Establish procedures for including bullying and harassment in the school district's student discipline and school safety reports submitted to the Department of Education (currently through the School Environmental Safety Incident Reporting (SESIR) system).

The bill allows a school district to adopt separate discrimination policies for different categories of students but requires that all students have the same protection from bullying and harassment. The bill requires a school district to include students, parents, teachers, administrators, school staff, volunteers, community representatives, and local law enforcement agencies in the development of the bullying and harassment policy.

The bill requires the policy to be included in the district's codes of student conduct and employee handbooks and requires ongoing implementation throughout the school year, integrated with a school's curriculum, discipline policies, and violence prevention efforts.

Model Policies:

The bill requires the Department of Education to develop and provide to the school districts by October 1, 2007, model policies prohibiting bullying and harassment.

²⁹ Section 815.03, Florida Statutes, defines terms used to proscribe computer-related crimes throughout chapter 815, Florida Statutes. Of the defined terms, "access," "computer," "computer network," "computer software," "computer system," and "data" are among the terms used in the bill.

Immunity for Reporting:

The bill provides limited civil immunity to a school employee, volunteer, student, or parent who reports bullying or harassment in good faith and according to the school district's policy. The immunity applies for both reporting and failing to stop the bullying or harassment.

Computer Issues:

The bill prohibits a person charged with a disciplinary action under a school district's policy or other prosecution from raising the "physical location" or "time of access" of a computer-related incident as a defense to the charges. The bill also exempts a person who uses a computer, computer system, or computer network from violations of the bullying and harassment policies, when the person acts within the scope of lawful employment or investigates a bullying or harassment violation under the school district's policy.

Contingency of Safe Schools Funds:

The bill provides that, for the 2008-2009 school year, a school district's Safe Schools funding is contingent upon the Department of Education's approval of the district's bullying and harassment policy. The bill also specifies that, each year beginning with the 2009-2010 school year, a school district's Safe Schools funding is contingent upon the district's compliance with "all reporting procedures" in the bill.³⁰

Annual Report to Governor and Legislature:

The bill requires the Commissioner of Education to report to the Governor and presiding officers of the Legislature by January 1 of each year³¹ on the implementation of policies prohibiting bullying and harassment, including student discipline and school safety data.

First Amendment:

The bill requires construction of its provisions consistent with the First Amendment to the United States Constitution.

Effective Date:

The bill provides that it takes effect upon becoming a law.

C. SECTION DIRECTORY:

Section 1. Creates section 1006.147, Florida Statutes, which prohibits bullying and harassment of students and school employees.

Section 2. Provides an effective date.

³⁰ In paragraph (4)(k), a school district is required to submit student discipline and school safety reports to the Department of Education (currently through the School Environmental Safety Incident Reporting (SESIR) system). The bill appears to make Safe Schools funding contingent upon the submission of these reports.

³¹ The Department of Education notes that the first annual report to the Governor and Legislature is due one month after the school districts are required to submit their bullying and harassment policies to the department. The department recommends that the Legislature amend the bill to allow more time for the department to prepare its first annual report.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

According to the Department of Education, the department would need approval for one additional full-time-equivalent position (FTE) and \$71,487 for salary, benefits, and related expenses. The department estimates that the position is needed for the developing, monitoring, training, and reporting requirements of the bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not impact the revenues of counties or municipalities. See FISCAL COMMENTS for the revenue impact on school districts.

2. Expenditures:

The bill does not impact the expenditures of counties or municipalities. See FISCAL COMMENTS for the impact on school district expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The Legislature appropriated \$75,350,000 for Safe Schools for fiscal year 2006-2007. The appropriation included an allocation formula that guaranteed a school district at least \$50,000. The bill requires the withholding of Safe Schools funds for noncompliance with reporting requirements. The withholding of Safe Schools funds may adversely affect other district safety and security activities

The bill requires school districts to adopt policies, revise codes of student conduct and employee handbooks, train employees, and revise reporting of student discipline and school safety data. The Department of Education estimates that there would be administrative and programming costs of implementing these requirements but does not quantify the estimate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures, reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate, or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

2. Other:

The bill requires that a school district's 2008-2009 Safe Schools funding is contingent upon approval of the district's bullying and harassment policy by the Department of Education. The bill does not provide criteria for the department's approval of a district's policy, nor does the bill establish a process or timelines for a school district to submit its policy for approval or to seek review of an

adverse decision by the department. The bill accordingly gives the department unlimited discretion in determining whether to approve, disapprove, or take no action on a district's policy. Without minimal standards for these actions, the bill may raise a constitutional concern.³²

B. RULE-MAKING AUTHORITY:

The bill does not create new authority for rulemaking; however, the State Board of Education and district school boards have authority to adopt rules to implement provisions of law conferring duties upon them.³³ In addition, a district school board is required to adopt rules for the control and discipline of students.³⁴

C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 1 of the bill includes several drafting issues, which are summarized as follows:

- The bill uses different language to express the locations where bullying and harassment are prohibited in subsection (2) compared to the locations where a school district's policy is required to prohibit bullying and harassment in subsection (4). The difference in the language may create a misunderstanding of the intended application of the bill.
- In paragraph (3)(c), the bill specifies that definitions relating to stalking in section 784.048, Florida Statutes, are applicable to the bill. Section 784.048, Florida Statutes, provides various criminal penalties for stalking and defines four terms: "harass," "course of conduct," "credible threat" and "cyberstalk." Of these terms, none is used in the bill. However, the bill uses the similar term, "harassment," but provides a definition for the term in paragraph (3)(b). The bill uses the term "stalking," but the term is not defined. Throughout section 784.048, Florida Statutes, several crimes are designated as the "offense of stalking" or "offense of aggravated stalking."
- In subsection (3), the bill defines the terms "bullying" and "harassment." In paragraph (4)(b), the bill also directs school districts to establish their own definitions. The bill does not specify whether school districts are required to incorporate the definitions in subsection (3) within their definitions or whether the definitions in subsection (3) provide nonbinding guidance for school districts.
- In subsection (4), the bill requires a school district to adopt a "policy prohibiting bullying and harassment" and authorizes a district to establish separate "discrimination policies" that include categories of students. Since current law prohibits discrimination on the basis of race, ethnicity, national origin, gender, disability, or marital status against a student or employee in the state system of public K-20 education,³⁵ the bill is unclear whether it authorizes school districts to prohibit discrimination against new categories of students or whether it allows a school district to establish separate bullying and harassment policies for different categories of students (e.g., one policy for elementary school, a second policy for middle school, and a third policy for high school).
- In paragraphs (4)(d) and (e), the bill requires a school district's bullying and harassment policy to establish consequences for a "person" who commits violations of the bill's provisions. The bill does not specify the universe of persons who would be subject to the policy (e.g., students, school district personnel, volunteers).

³² Unlawful delegation of legislative authority to the Department of Education in violation of Section 3, Article II of the State Constitution, which provides as follows:

Branches of government.—The powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.

³³ Sections 1001.02(1) and 1001.41(2), Florida Statutes.

³⁴ Section 1006.07(1)(a), Florida Statutes.

³⁵ Section 1000.05(2)(a), Florida Statutes.

- In subsection (7)(a), the bill prohibits a person charged with a disciplinary action under a school district's policy or other "prosecution initiated under this section" from raising certain defenses to the charges. Although the bill prohibits bullying and harassment in subsection (2), and a school district's policies are required to prohibit bullying and harassment under subsection (4), the bill does not provide criminal penalties that would be subject to prosecution.
- In subsection (8), the bill requires that a school district's 2008-2009 Safe Schools funding is contingent upon approval of the district's bullying and harassment policy by the Department of Education. The bill does not otherwise specify that a district is required to submit its policy to the Department of Education (See A.2. above).

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Bill No. 1201

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Committee on K-12
2 Representative(s) Richardson offered the following:

Amendment (with title amendment)

Between line(s) 17 and 18 insert:

6 Section 2. William DeWitt Rogers Administration Building
7 designated; Department of Management Services to erect suitable
8 markers.--

9 (1) The Florida State Hospital Administration Building at
10 100 West Main Street in the city of Chattahoochee in Gadsden
11 County is designated as the "William DeWitt Rogers
12 Administration Building."

13 (2) The Department of Management Services is directed to
14 erect suitable markers designating the William DeWitt Rogers
15 Administration Building as described in subsection (1).

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

18 Remove line(s) 6 and insert:
19 markers; designating the Administration Building at the Florida
20 State Hospital as the William DeWitt Rogers Administration

3-12-07 10:52 am

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

21 Building; directing the Department of Management Services to
22 erect suitable markers; providing an effective date.

3-12-07 10:52 am

Page 2 of 2

Amendment1-Richardson.doc

HB 1201

2007

1 A bill to be entitled
2 An act relating to building designations; designating the
3 Department of Education office at 921 N. Davis Street in
4 Jacksonville as the "Mary L. Singleton Education Office";
5 directing the Department of Education to erect suitable
6 markers; providing an effective date.

7

8 Be It Enacted by the Legislature of the State of Florida:

9

10 Section 1. Mary L. Singleton Education Office designated;
11 Department of Education to erect suitable markers.--

12 (1) The Department of Education office at 921 N. Davis
13 Street in Jacksonville is designated as the "Mary L. Singleton
14 Education Office."

15 (2) The Department of Education is directed to erect
16 suitable markers designating the Mary L. Singleton Education
17 Office as described in subsection (1).

18 Section 2. This act shall take effect July 1, 2007.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1201

Building Designations

SPONSOR(S): Gibson

TIED BILLS:

IDEN./SIM. BILLS: SB 2566

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on K-12</u>	_____	Barnhill <i>JB</i>	Ahearn <i>[Signature]</i>
2) <u>Schools & Learning Council</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill designates the Department of Education office at 921 N. Davis Street in Jacksonville as the "Mary L. Singleton Education Office." The Department of Education is directed to erect suitable markers to designate the building as such.

Current law does not permit a state building, road, bridge, park, recreation complex, or similar facility to be named after a living person (unless specifically provided by law). Ms. Singleton passed away in 1980.

Ms. Singleton served the City of Jacksonville and the State of Florida as an elected official. She was a member of the City Council from 1967-1972. In 1972, Ms. Singleton was elected to the House of Representatives. She was appointed Director of Florida's Division of Elections in 1976. She was appointed Director of the Department of Banking and Finance's Division of Administration in 1979.

Throughout her career as a public servant, Ms. Singleton has brought greater attention to and championed the needs of children through better childcare services and increased funding for early childhood education services.

The bill has an indeterminate fiscal impact on the Department of Education; however, the cost of erecting suitable markers will not be significant.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Section 267.062, F.S., requires that no state building be named for any living person, unless specifically provided by law.

Mary L. Singleton

A native Floridian, Ms. Mary L. Singleton was born and raised in Jacksonville. She graduated from Boylan-Haven Industrial Training School in 1943. After her high school graduation, Ms. Singleton went to Hampton Institute in Virginia, majoring in horticulture. She left Hampton Institute and later graduated from Florida A & M University where she received her B.S. in 1949. She returned to Jacksonville and taught at Matthew W. Gilbert Junior-Senior High School. She married Isadore Singleton in 1955.

Ms. Singleton was appointed to the Local Government Study Commission of Duval County by Governor Farris Bryant in 1965. She was elected to serve on the city council of Jacksonville in 1967 and was one of the first two women elected to the Jacksonville City Council. Singleton then was elected to the House of Representatives in 1972. She remained in office until 1976 when she was appointed Director of Florida's Division of Elections, making her the highest ranking African American in the executive branch of state government. She resigned and was then appointed Director of the Department of Banking and Finance's Division of Administration in 1979, where she worked until her death in 1980.

Throughout her career as a public servant, Ms. Singleton has brought greater attention to and championed the needs of children through better childcare services and increased funding for early childhood education services.

Effects of Proposed Changes

This bill provides that the Department of Education office at 921 N. Davis Street in Jacksonville is designated as the "Mary L. Singleton Education Office." The bill requires the Department of Education to erect suitable markers designating the building as such.

C. SECTION DIRECTORY:

- Section 1: Designating the Department of Education office in Jacksonville as the "Mary L. Singleton Education Office"
Section 2: Providing an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The bill has an indeterminate fiscal impact on the Department of Education; however, the cost of erecting suitable markers will not be significant.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

Bill

Original

2007

House Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article IX of the State Constitution to option to divide school districts.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 4 of Article IX of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE IX

Education

SECTION 4. School districts; school boards.--

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

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

c) Provision may be made by law for the division of a school district into two or more school districts, each having no

Bill

Original

2007

30 fewer than 25,000 students, when approved by a vote of the
 31 county's electors. School district taxes for the school districts
 32 created pursuant to this subsection shall be imposed countywide
 33 and distributed to the school districts in an equitable and
 34 nondiscriminatory manner as provided by law. The rate of school
 35 district taxes shall be determined by a board consisting of an
 36 equal number of school board members from each school district in
 37 the county as provided by law.

38 BE IT FURTHER RESOLVED that the following statement be
 39 placed on the ballot:

40 CONSTITUTIONAL AMENDMENT

41 ARTICLE IX SECTION 4

42 AUTHORIZING THE DIVISION OF A SCHOOL DISTRICT INTO TWO OR
 43 MORE SCHOOL DISTRICTS.--Proposing an amendment to the State
 44 Constitution to provide that school districts may be divided into
 45 two or more school districts, each having no fewer than 25,000
 46 students, as provided by law and upon a vote of the county's
 47 electors; to provide that school district taxes shall be imposed
 48 countywide and distributed to the school districts in an
 49 equitable and nondiscriminatory manner as provided by law; and to
 50 provide that the rate of school district taxes shall be
 51 determined by a board consisting of an equal number of school
 52 board members from each school district in the county as provided
 53 by law.

54

Summary
Recommended language
Option to Divide School Districts

The recommended language creates a joint resolution, which, in order to pass the legislature, requires approval by 3/5 of the membership of each chamber.

If passed by each chamber, this proposed constitutional amendment would then be placed on the ballot for the next general election.

If the proposed constitutional amendment is adopted at the next statewide general election, then:

- A county has the option to divide its school district into smaller school districts, *provided the electors of that county vote to approve such a subdivision.*

If a county votes to subdivide its school district, then:

- Each subdivided school district must have at least 25,000 students.
- A board must be created comprised of an equal number of members from each subdivided school district in the county.
 - Members of the board serve staggered four year terms.
 - The board must determine the rate of school district taxes to be imposed countywide.
 - The board must distribute tax dollars equitably and in a nondiscriminatory manner, as provided by law.

A county is not eligible to subdivide its school district if the district has less than 50,000 students because any subdivided district can have no fewer than 25,000 students.

Florida School District's FTE

School Year 2007-2008

As determined by the Education Estimating Conference

February 12, 2007

District	Total FTE		District	Total FTE
Alachua	28,442.63		Lake	41,185.78
Baker	4,890.83		Lee	82,100.31
Bay	26,403.12		Leon	32,631.22
Bradford	3,437.96		Levy	6,163.00
Brevard	73,338.73		Liberty	1,490.26
Broward	255,491.94		Madison	2,842.46
Calhoun	2,194.83		Manatee	42,307.74
Charlotte	17,580.18		Marion	43,027.19
Citrus	15,954.53		Martin	17,918.89
Clay	36,874.40		Monroe	7,836.14
Collier	43,011.98		Nassau	11,064.75
Columbia	10,225.08		Okaloosa	30,159.27
Dade	341,644.62		Okeechobee	7,202.78
De Soto	5,075.90		Orange	175,985.85
Dixie	2,131.50		Osceola	53,070.00
Duval	124,899.33		Palm Beach	166,452.32
Escambia	41,510.07		Pasco	65,085.45
Flagler	12,814.00		Pinellas	107,569.46
Franklin	1,235.52		Polk	95,500.04
Gadsden	6,075.06		Putnam	11,668.53
Gilchrist	2,817.81		St. Johns	27,866.50
Glades	1,374.99		St. Lucie	40,521.82
Gulf	2,115.00		Santa Rosa	24,947.00
Hamilton	1,943.12		Sarasota	42,895.41
Hardee	5,106.59		Seminole	65,916.88
Hendry	7,406.31		Sumter	7,474.79
Hernando	23,578.50		Suwannee	5,687.30
Highlands	12,571.71		Taylor	2,998.64
Hillsborough	191,618.91		Union	2,203.93
Holmes	3,301.67		Volusia	65,221.56
Indian River	17,638.18		Wakulla	5,019.31
Jackson	7,149.50		Walton	6,605.00
Jefferson	1,141.54		Washington	3,552.97
Lafayette	1,052.29			