



K – 20 Competitiveness Subcommittee

Wednesday, December 7, 2011

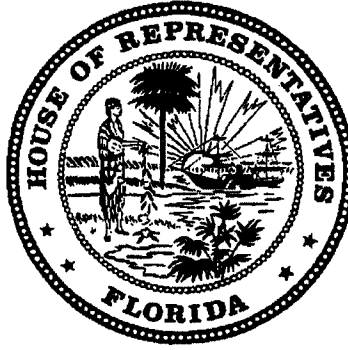
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17 - HOB

Meeting Packet

**Dean Cannon
Speaker**

**Erik Fresen
Chair**



AGENDA

K-20 Competitiveness Subcommittee

December 7, 2011

1:00 p.m. – 3:30 p.m.

17 HOB - Morris Hall

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following bill(s):
 - HB 19 Public School Buses by Nelson, Slosberg
 - HB 273 Student Safety by Kiar
 - HB 285 Sick Leave for School District Employees by Harrell
 - HB 4089 Leadership Board for Applied Research and Public Service by Ingram
- IV. Closing Remarks and Adjournment

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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WITHDRAWN _____ (Y/N)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 Committee/Subcommittee hearing bill: K-20 Competitiveness
2 Subcommittee
3 Representative Nelson offered the following:

4
5 **Amendment**

6 Remove lines 30-43 and insert:

- 7
8 a. Solicit the sale, or promote the use, of alcoholic
9 beverages, tobacco products, or prescription drugs.
10 b. Are discriminatory in nature or content.
11 c. Imply or declare endorsement of the product or service by
12 the school district.
13 d. Contain material that is sexual in nature.
14 e. Are offensive, insensitive, or inappropriate for children
15 or the community.
16 f. Contain material that is political in nature or relates
17 to a political activity, campaign, or candidate.
18 g. Contain material effecting the establishment of religion.
19 h. Are false, misleading, or deceptive.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 19 (2012)

Amendment No. 1

20 i. Promote an illegal activity or antisocial behavior.

21 j. Contain material that promotes any form of pari-mutual
22 wagering as identified in ch. 550.

23 k. Distract from the effectiveness of required safety
24 warning equipment.

25



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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 19 Public School Buses
SPONSOR(S): Nelson and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 344, SB 348

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Competitiveness Subcommittee		Muller 	Ahearn 
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill authorizes school districts to place commercial advertisements on the exterior of a school bus. The school district must implement policies to address, at a minimum, reimbursement for all costs incurred for the support of the advertising; content restrictions on advertisements; and standards related to the design, placement, and size of advertisements. While advertising on buses is currently prohibited by State Board of Education rule, school districts may sell advertisements in other locations. Some school districts have policies in place outlining the sale of advertisements on school property.

A few states currently permit advertisements on school buses.

School districts must allocate 50 percent of the revenue generated through advertisements on school buses to school district transportation; 40 percent to other programs as determined by the school district; and 10 percent to the district's driver education program, of which 30 percent must be allocated for behind the wheel instruction. If a district does not offer a driver education program, the 10 percent allocated for that program may be allocated for other programs as determined by the district.

The bill has an indeterminate positive fiscal impact on school districts. See FISCAL ANALYSIS.

The bill provides an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Law

The State Board of Education has rulemaking authority to establish specifications for public school buses.¹ The State Board of Education has adopted rule 6A-3.0291, F.A.C., which incorporates by reference the Florida School Bus Specifications.² The Florida School Bus Specifications contain a requirement that the lettering and trim on buses “may include, but shall be limited to, lettering, trim, symbols, markings and coloration specified in the National School Transportation Specifications and Procedures.”³ The Florida Department of Education has interpreted rule 6A-3.0291, F.A.C., which incorporates the Florida School Bus Specifications, to prohibit advertisements on school buses.⁴

The Florida School Bus Specifications and the National School Transportation Specifications and Procedures prescribe the coloration, lettering, identification, and markings that must be installed on the exterior of public school buses. For example, public school buses are required to be painted National School Bus Yellow with black trim and a white roof. A public school bus must also have retroreflective striping and lettering identifying the school district and bus numbers.⁵ The National School Transportation Specifications do not prohibit exterior advertisements.

While school districts cannot advertise on school buses because of Florida rule requirements, they do have some experience selling advertisements in other locations. A few school districts sell advertisements on school property or are considering doing so.⁶ School districts are also expanding their existing policies which have permitted the sale of advertisements in yearbooks and on athletic facilities.⁷ A policy recently implemented by one school district permits advertising on vehicles other than school buses, websites, newsletters, school supplies, clothes, school signs, uniforms and other venues within the discretion of the superintendent. The policy specifies prohibited content, such as advertisements containing profanity; promoting alcohol, tobacco, illegal drugs or other products harmful to minors; and promoting a religion.⁸

Other States

A few states currently allow advertising on school buses, including Colorado, Arizona, New Mexico, Texas, New Jersey, and Utah.⁹ Colorado, for example, has had policies in place permitting the sale of advertisements on school buses since 1994.¹⁰ The Colorado Administrative Code outlines the parameters for the advertisements, specifying that the advertisements may not interfere with lettering,

¹ Rule 6A-3.0291; s.1006.25, F.S.

² Florida School Bus Specifications, *incorporated by reference into* rule 6A-3.0291(1), F.A.C

³ *Id.*

⁴ Email, Administrator, School Transportation Management, Florida Department of Education (Nov. 15, 2011).

⁵ *See generally*, Florida Revised 2008 School Bus Specifications, *available at* www.fldoe.org/board/meetings/2008_06_17/2008Bus.pdf.

⁶ Telephone interview, Senior Director, Labor and Legislative Relations, Orange County School Board (Oct. 10, 2011); Orange County School District, for example, has had policies in place for two years regarding the sale of advertisements around campus. Nightly News with Brian Williams, “*Sign of the Times*”, October 1, *available at* <http://www.msnbc.msn.com/id/3032619/vp/44742428#44742428>.

⁷ Anne Martin, *Flagler officials ponder selling ads on school property*, Daytona Beach News Journal, November 1, 2011, *available at* <http://www.news-journalonline.com/news/local/flagler/2011/11/01/flagler-officials-ponder-selling-ads-on-school-property.html>; Cara Fitzpatrick, *Broward schools consider ads on buses, naming rights for schools*, Sun Sentinel, October 10, 2011, *available at* <http://www.sun-sentinel.com/news/education/fl-broward-school-advertisements-20111009.0.1149852.story>.

⁸ District School Board Policy Manual of Flagler County Florida, Policy 904, *available at* http://boardpolicy.flaglerschools.com/index.php?title=904_-_Advertising_in_Schools.

⁹ John Rosales, *Advertising on School Buses Softens the Budget Crunch*, NEA Today, July 13, 2011, *available at* <http://neatoday.org/2011/07/13/advertising-on-school-buses-softens-the-budget-crunch/>.

¹⁰ Telephone interview, Senior Consultant, Transportation Unit of the Colorado Department of Education (Oct. 10, 2011).

lamps, and other safety requirements. The code also establishes the approval process for advertisements.¹¹ Approximately ten school districts throughout Colorado have chosen to sell ads on their buses. The allocation of revenue from the ads is left entirely to the discretion of each individual school district.¹² It is estimated that school districts in Colorado raise 5,000 to 10,000 dollars per bus per year through the sale of advertisements, but there is no fixed amount that any given school district earns from year to year, and the earnings vary depending upon the type of school district.¹³

New Mexico's law prohibits any advertisements that involve obscenity, sexual material, gambling, tobacco, alcohol, political campaigns or causes, religion or promoting the use of drugs, as well as general content that is harmful or inappropriate for school buses as determined by the New Mexico Department of Education. The law specifies that advertisements must not interfere with national and state requirements for marking, lights, and signs, and that the advertiser is required to pay for all costs of advertising on the school bus.¹⁴

Effect of Proposed Changes

The bill authorizes commercial advertisements to be placed on the exterior of a school bus in accordance with school district policies. At minimum, the school district policy must address:

- **Reimbursement.** The school district policy must allow the district to be reimbursed by the advertisers for all costs incurred by the school district and its contractors for support of the advertising, including but not limited to, retrofitting buses, storing advertising, attaching advertising to the bus, and related maintenance.

The sale of advertisements may have a positive fiscal impact for participating districts. However, without specific information regarding the number of advertisements sold, the cost of the advertisements, and the type of market each school district covers, the amount cannot be determined.

- **Content Restrictions.** The school district policy must prohibit advertising and advertising images that solicit the sale, or promote the use, of alcoholic beverages or tobacco products; are discriminatory in nature or content; imply or declare endorsement of the product or service by the school district; contain material that is sexual in nature; contain material that is not child and community sensitive; contain material that is political in nature or related to a political activity, campaign or candidate; are false, misleading, or deceptive; relate to an illegal activity or antisocial behavior; or distract from the effectiveness of required safety warning equipment.

Districts may experience First Amendment right to free speech issues that can be mitigated by applying uniform policies regarding restricted content. Uniformity may prevent districts from determining prohibited content on an ad hoc basis, which could open the school districts to allegations of discrimination or lead to potential litigation regarding the content of advertisements.

- **Minimum Standards.** The school district policy must specify the design, placement, and size of signage on the exterior of a school bus. The policy must also include minimum standards addressing the cost of advertising; the designation of individuals authorized to sell and approve the advertising; and specification of how the advertising will be attached, if not painted on the bus.
- **Physical Restrictions.** The school district policy must prohibit advertisements that extend from the body of the bus so as to allow a handhold or pose a danger to pedestrians; cover any structural or sheet metal damage or alteration; interfere with the operation of any door, window,

¹¹ *Id.*, citing to 1 Colo. Code Regs. s. 301-25 (2007).

¹² *Id.*

¹³ Telephone interview, Senior Consultant for the Transportation Unit of the Colorado Department of Education (Oct. 10, 2011).

¹⁴ N.M. Stat. s. 22-28-1 (2011).

required lettering, lamp, reflector, or other device; are placed on a side emergency door or the back of the bus; interferes with school bus identification; or are digital or electronic.

These restrictions help to ensure that the safety standards which are associated with school buses are maintained.

- Equipment Standards. The school district policy must require a school bus with advertising to meet both the Federal Motor Vehicle Safety Standards and the Florida School Bus Specifications.

These minimum standards, combined with the national and statewide safety specifications, provide uniformity throughout the districts. Signage requirements provide a consistent approach for implementation.

- Limits on Advertisements. The school district policy must restrict the number of advertisements to no more than two, and the size of each advertisement to no larger than 2 feet high by 6 feet long.

A school bus that does not comply with the bill's requirements must be withdrawn from use as a school bus until it meets the requirements.

Revenue generated from the sale of advertisements must be remitted to the respective school district. School districts must allocate 50 percent of the revenue generated through advertisements on school buses to school district transportation; 40 percent to other programs, as determined by the school district; and 10 percent to the district's driver education programs, of which 30 percent must be allocated for behind the wheel instruction.

If a school district does not offer a driver education program, the 10 percent allocated for such program may be allocated to other programs as determined by the district. Drivers education is a not a required course; however 50 school districts, as well as the Florida Virtual School, include a driver education program in their curriculum. Of those school districts offering a driver education program, 43 school districts include "behind the wheel" instruction as part of the program.¹⁵

Opponents of the bill suggest that advertisements on school buses will create safety risks for students by distracting drivers, who may then fail to notice if the bus has stopped or if children are exiting the bus. General research has been conducted regarding distracted driving, but there is no specific research regarding the impact advertising on school buses has on safety.¹⁶ With their current appearance, school buses are estimated to be eight times safer than smaller passenger vehicles, according to data from the National Highway Traffic Safety Administration.¹⁷

B. SECTION DIRECTORY:

Section 1. Amends s. 1006.25, F.S., relating to school buses, to authorize school districts to sell advertisements on the exterior of school buses and to provide the required elements a school district's policy on selling advertisements must contain.

Section 2. Provides an effective date of July 1, 2012.

¹⁵ Florida Department of Education, *2012 Agency Bill Analysis for HB 19* (Aug. 25, 2011).

¹⁶ Florida Association for Pupil Transportation, *FAPT Position Paper, Advertising on School Buses*, January 2011.

¹⁷ National Highway Safety Administration, *School Bus Safety: Crashworthiness Research*, April 2002, available at <http://www.nhtsa.gov/DOT/NHTSA/NRD/Multimedia/PDFs/Crashworthiness/SchoolBus/SBReportFINAL.pdf>.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill authorizes school districts to sell advertisements on the exterior of school buses to raise revenues to be used for school district transportation and other programs as determined by the school district.

It is unknown how many school districts will choose to sell advertisements and the amount districts will charge. The bill will raise revenue for participating school districts, but the specific fiscal impact cannot be determined at this time.

2. Expenditures:

None. The bill requires school districts to be reimbursed by the advertiser for all costs incurred by the school district and its contractors for supporting the advertising.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

The bill authorizes school districts to place advertisements on school buses, subject to certain limitations. When determining the permitted content for advertisements, school districts "will need to balance First Amendment commercial speech rights with prohibitions on objectionable content,"¹⁸ and create and apply policies in a uniform manner that avoids viewpoint discrimination.

B. RULE-MAKING AUTHORITY:

None.

¹⁸ Florida Department of Education, *2012 Agency Bill Analysis for HB 19* (Aug. 25, 2011).

C. DRAFTING ISSUES OR OTHER COMMENTS:

As drafted, the bill does not contain specific restrictions on advertisements related to gambling, prescription drugs, or religion. While there is language prohibiting advertisements that contain "material that is not child and community sensitive" and that "relate to illegal activity or antisocial behavior," these phrases are open-ended and may be interpreted differently by the school districts. In order to aid school districts in crafting their policies regarding advertisements and to provide uniformity, language regarding gambling, prescription drugs, and religion should be considered for inclusion in the bill. Furthermore, it is unclear if the use of the phrase "contain material that is not child and community sensitive" intends to prohibit advertisements that will inflame the community, or those that will take the community's needs into account. The use of the word "and," as opposed to "or," opens the school districts to the possibility for competing concerns between children and the community.

Additionally, consideration might be given to further explaining "political in nature" to include "political causes" or "political interest groups" to provide additional specificity.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to public school buses; amending s.
 3 1006.25, F.S.; providing for district school board
 4 policies that authorize commercial advertisements on
 5 school buses; providing policy requirements relating
 6 to reimbursement to the school district, prohibited
 7 advertisements, and signage and equipment standards;
 8 requiring a school bus to be withdrawn from use under
 9 certain circumstances; providing for the remittance
 10 and allocation of revenue; providing an effective
 11 date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Subsection (5) is added to section 1006.25,
 16 Florida Statutes, to read:

17 1006.25 School buses.—School buses shall be defined and
 18 meet specifications as follows:

19 (5) ADVERTISEMENTS.—

20 (a) Commercial advertisements may be placed on the
 21 exterior of a school bus according to district school board
 22 policies that require the following:

23 1. The school district must be reimbursed by the
 24 advertiser for all costs incurred by the school district and its
 25 contractors for supporting the advertising, including, but not
 26 limited to, retrofitting buses, storing advertising, attaching
 27 advertising to the bus, and related maintenance.

28 2. At a minimum, a contract must prohibit advertising and

29 advertising images that:
 30 a. Solicit the sale, or promote the use, of alcoholic
 31 beverages or tobacco products.
 32 b. Are discriminatory in nature or content.
 33 c. Imply or declare endorsement of the product or service
 34 by the school district.
 35 d. Contain material that is sexual in nature.
 36 e. Contain material that is not child and community
 37 sensitive.
 38 f. Contain material that is political in nature or relates
 39 to a political activity, campaign, or candidate.
 40 g. Are false, misleading, or deceptive.
 41 h. Relate to an illegal activity or antisocial behavior.
 42 i. Distract from the effectiveness of required safety
 43 warning equipment.
 44 3. The design, placement, and size of signage on the
 45 exterior of a school bus acknowledging the advertiser must be
 46 prescribed by the district school board and address the
 47 following minimum standards:
 48 a. Cost of the advertising.
 49 b. Designation of individuals authorized to sell and
 50 approve the advertising.
 51 c. Specification of how the advertising will be attached,
 52 if not painted on the bus, including a prohibition against
 53 signage that:
 54 (I) Extends from the body of the bus so as to allow a
 55 handhold or pose a danger to pedestrians.
 56 (II) Covers any structural or sheet metal damage or

57 | alteration.

58 | (III) Interferes with the operation of any door, window,
 59 | required lettering, lamp, reflector, or other device.

60 | (IV) Is placed on a side emergency door or the back of the
 61 | bus.

62 | (V) Interferes with school bus identification.

63 | (VI) Is digital or electronic.

64 | 4. A school bus with attached advertising must meet the
 65 | school bus equipment standards under this section.

66 | 5. A school bus may not have more than two advertisements.

67 | 6. Each advertisement must be no larger than 2 feet high
 68 | and 6 feet long.

69 | (b) A school bus that violates this subsection must be
 70 | withdrawn from use as a school bus until it meets the
 71 | requirements of this subsection.

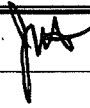
72 | (c)1. All revenue from a contract under this subsection
 73 | must be remitted to the respective school district, with 50
 74 | percent allocated for school district transportation, 40 percent
 75 | allocated for other programs as determined by the school
 76 | district, and 10 percent allocated for the school district
 77 | driver education programs, of which 30 percent must be allocated
 78 | for behind-the-wheel instruction.

79 | 2. However, if a school district does not offer driver
 80 | education in any of its schools, the 10 percent allocated for
 81 | driver education programs may be allocated for other programs as
 82 | determined by the school district.

83 | Section 2. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 273 Student Safety
SPONSOR(S): Kiar
TIED BILLS: IDEN./SIM. BILLS: SB 494

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Competitiveness Subcommittee		Beagle GB	Ahearn 
2) Community & Military Affairs Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill requires the agency responsible for notifying a school district for each type of emergency to be listed in each district school board's emergency response policy and in its model emergency management and preparedness procedures. The emergency response agencies listed must notify private schools in the school district of occurrences that threaten student safety if the private school requests such notification by opting into the district school board's emergency notification procedures.

Florida law requires each district school board to establish emergency response policies and model emergency management and preparedness procedures. Emergency response policies must include procedures for responding to fires, natural disasters, and bomb threats. Model emergency management and preparedness procedures must address life-threatening emergencies, such as weapon-use and hostage situations; hazardous materials or toxic chemical spills; weather emergencies; and exposure resulting from manmade emergencies. Florida law does not expressly require that district school board emergency response policies and model emergency management and preparedness procedures list the agencies responsible for notifying the school district regarding each type of emergency.

Private school emergency policies are not regulated by the state. Private schools typically make arrangements to receive notification of emergencies from the appropriate emergency response agency. Florida law does not expressly authorize private schools to opt into school district emergency notification procedures for the purpose of receiving emergency notifications.

The bill does not have fiscal impact on state or local governments.

The bill takes effect July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida law requires each district school board to establish emergency response policies and model emergency management and preparedness procedures. Emergency response policies must include procedures for responding to fires, natural disasters, and bomb threats. Commonly used alarm system responses for specific types of emergencies must be incorporated into such policies.¹ Additionally, district school boards must establish model emergency management and preparedness procedures for weapon-use and hostage situations; hazardous materials or toxic chemical spills; weather emergencies, including hurricanes, tornadoes, and severe storms; and exposure resulting from manmade emergencies.²

Florida law does not expressly require that school district emergency response policies and model emergency management and preparedness procedures list the agencies responsible for notifying the school district regarding emergencies. However, cooperation with emergency response agencies is incorporated into the *Safety and Security Best Practices*, a self-assessment tool that each school district must use to annually assess the effectiveness of district emergency response policies. Among other "best practices," the self-assessment suggests that school districts:

- Make arrangements to work with local emergency officials, including, without limitation, law enforcement; fire department; emergency management; hospital, mental health, health, and social services agencies; and court officials.
- Share comprehensive school safety plans and emergency procedures with appropriate emergency response agencies.
- Implement procedures for contacting all district schools simultaneously regarding an emergency.³

Private school emergency policies are not regulated by the state.⁴ Private schools typically make arrangements to receive notification of emergencies from the appropriate emergency response agency. Despite such arrangements, private schools do not always receive notification.⁵ Florida law does not expressly authorize private schools to opt into district school board emergency notification procedures for the purpose of receiving notification of emergencies from an emergency response agency.⁶

Effect of Proposed Changes

The bill requires the agency responsible for notifying a school district for each type of emergency to be listed in each district school board's emergency response policy and in its model emergency management and preparedness procedures. The emergency response agencies listed must notify private schools in the school district of occurrences that threaten student safety if the private school requests such notification by opting into the district school board's emergency notification procedures.

¹ Section 1006.07(4)(a), F.S.

² Section 1006.07(4)(b), F.S.

³ Section 1006.07(6), F.S.; Florida Department of Education, *District Safety and Security Best Practices*, <http://www.fldoe.org/EM/security-practices.asp> (last visited March 10, 2011). The Best Practices are developed by the Office of Program Policy Analysis and Government Accountability. *Id.* Each district school superintendent must make recommendations to the school board for improving emergency response policies based upon the self-assessment results. The self-assessment results and superintendent's recommendations must be addressed in a publicly noticed school board meeting. The results of the self-assessment and any school board action on the superintendent's recommendations must be reported to the Commissioner of Education within 30 days after the school board meeting. Section 1006.07(6), F.S.

⁴ Telephone interview with Bureau Chief, Emergency Management, Florida Department of Education (March 17, 2011).

⁵ Telephone interview with Executive Director, Florida Council of Independent Schools (March 11, 2011).

⁶ See s. 1002.42, F.S.

This will enable a private school to receive emergency notifications on the same basis as district public schools.

B. SECTION DIRECTORY:

Section 1. Amends s. 1006.07, F.S., relating to district school board duties regarding student discipline and school safety; requires school boards to identify in emergency policies and procedures the agency responsible for notifying the school district regarding emergencies.

Section 2. Amends s. 1002.42, F.S., relating to private schools; requires an emergency response agency to notify private schools of emergencies that threaten student safety; authorizes private schools to request such notification by opting into school board notification procedures.

Section 3. Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.

HB 273

2012

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A bill to be entitled
 An act relating to student safety; amending s.
 1006.07, F.S.; requiring district school board
 policies to list the emergency response agencies that
 are responsible for notifying the school district of
 emergencies; amending s. 1002.42, F.S.; requiring the
 emergency response agencies to notify private schools
 in the school district under certain circumstances;
 providing an effective date.

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

Section 1. Subsection (4) of section 1006.07, Florida
 Statutes, is amended to read:

1006.07 District school board duties relating to student
 discipline and school safety.—The district school board shall
 provide for the proper accounting for all students, for the
 attendance and control of students at school, and for proper
 attention to health, safety, and other matters relating to the
 welfare of students, including:

(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

(a) Formulate and prescribe policies and procedures for
 emergency drills and for actual emergencies, including, but not
 limited to, fires, natural disasters, and bomb threats, for all
 the public schools of the district which comprise grades K-12.
 District school board policies shall include commonly used alarm
 system responses for specific types of emergencies and
 verification by each school that drills have been provided as

29 required by law and fire protection codes. The emergency
 30 response agency that is responsible for notifying the school
 31 district for each type of emergency must be listed in the
 32 district's emergency response policy.

33 (b) ~~The district school board shall~~ Establish model
 34 emergency management and emergency preparedness procedures,
 35 including emergency notification procedures pursuant to
 36 paragraph (a), for the following life-threatening emergencies:

- 37 1. Weapon-use and hostage situations.
- 38 2. Hazardous materials or toxic chemical spills.
- 39 3. Weather emergencies, including hurricanes, tornadoes,
 40 and severe storms.
- 41 4. Exposure as a result of a manmade emergency.

42 Section 2. Subsection (16) is added to section 1002.42,
 43 Florida Statutes, to read:

44 1002.42 Private schools.—

45 (16) EMERGENCY PROCEDURES.—The emergency response agencies
 46 identified in a district school board's emergency response
 47 policy pursuant to s. 1006.07(4) that are responsible for
 48 notifying the school district of an occurrence that threatens
 49 student safety shall also notify private schools in the district
 50 that request such notification by opting into the district
 51 school board's emergency notification procedures.

52 Section 3. This act shall take effect July 1, 2012.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: K-20 Competitiveness
2 Subcommittee

3 Representative Harrell offered the following:

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

6 Remove line 22 and insert:

7 use sick leave that has accrued to the authorizing employee. The
8 district policy must:

9 a. Require that the recipient provide documentation, by the
10 treating physician, of the illness, accident, or injury, for
11 which leave is otherwise authorized under subsection (1).

12 b. Establish a minimum number of sick leave days needed by
13 the recipient to participate in the sick leave program.

14 c. Require that any unused transferred sick leave shall be
15 returned to the authorizing employee whose donated sick leave
16 has not yet been used.

17 d. Establish the minimum number of sick leave days an
18 authorizing employee must retain.
19

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Approved For Filing: 12/6/2011 3:03:26 PM

Amendment No. 1

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

Remove line 6 and insert:
employee; providing standards for a sick leave transfer policy;
providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 285 Sick Leave for School District Employees
SPONSOR(S): Harrell
TIED BILLS: IDEN./SIM. BILLS: SB 874

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Competitiveness Subcommittee		Muller <i>CM</i>	Ahearn <i>JA</i>
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill authorizes, but does not require, school districts to create policies which permit employees to donate their unused sick leave to a specific, non-relative employee. Recipients must have exhausted all of their own sick leave before using donated leave. Donated sick leave has no terminal value.

School district employees who are unable to perform their duties due to personal sickness, accident disability, or extended personal illness, or because of illness or death of a family member or member of their household, and has to be absent from work must be granted a leave of absence. School districts are authorized to adopt rules permitting the annual payment of accumulated sick leave that is unused at the end of a school year, as well as rules providing terminal pay for accumulated sick leave.

School districts are currently required to provide a policy that allows an employee to donate sick leave to a spouse, child, parent, or sibling who is also employed by the school district. This policy must specify that the employee receiving the donated sick leave has exhausted his or her own sick leave before using donated leave and that the donated sick leave has no terminal value. School districts are also permitted, though not required, to create policies which allow employees to donate their unused sick leave to a sick leave pool, which other school district employees may use after they have exhausted their own sick leave.

The bill has an indeterminate fiscal impact on school districts. See FISCAL ANALYSIS.

The bill provides an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Law

Any member of the instructional staff¹ or any other employee of a school district who is employed on a full-time basis and is unable to perform his or her duties due to personal sickness, accident disability, or extended personal illness, or because of illness or death of their father, mother, brother, sister, husband, wife, child, other close relative, or member of their household and has to be absent from work must be granted a leave of absence.² Instructional staff who are employed on a full-time basis are entitled to four days of sick leave as of the first day of employment of each contract year, and one day of sick leave for each month of employment, which is credited to them at the end of the month.³ All other employees must be credited with four sick days at the end of the first month of employment of each contract year and one day of sick leave for each month of employment thereafter.⁴

Each member of the instructional staff and all other employees are entitled to earn no more than one day of leave times the number of months of employment during the year of employment.⁵ Sick leave is cumulative from year to year.⁶ There is no limit on the number of sick leave days a member of the instructional staff or an educational support employee may accrue, except that at least one-half of this sick leave must be established within the school district granting the leave.⁷ Educational support employees include those whose job functions are neither administrative nor instructional, but whose work supports the educational process, such as technicians, clerical workers, and skilled craft workers.⁸ The statute does not specify the limitations on sick leave for other types of employees such as school officers or administrative personnel.

School districts are authorized to adopt rules permitting annual payment for accumulated sick leave that is earned for that year and is unused at the end of the school year. This is based on the daily rate of pay of the employee, multiplied by up to 80 percent. Days for which such payment is received are deducted from an employee's accumulated leave balance.⁹ According to the Florida Department of Education, "[t]he extent to which districts have adopted an annual unused sick leave payout policy is not known."¹⁰

School districts are also authorized to establish policies to provide terminal pay for accumulated sick leave to instructional staff and educational support employees.¹¹ If termination is by death, any terminal pay the employee is entitled to may be made to the employee's beneficiary.¹² The terminal pay may not exceed the formula outlined in statute, which provides the percentage of daily pay employees are entitled to, based upon their years of service.¹³ For years one through three, the rate of daily pay is multiplied by 35 percent; for years four through six pay is multiplied by 40 percent; for years seven through nine pay is multiplied by 45 percent; and for years 10 through 12 pay is multiplied by 50

¹ "Instructional staff" is not a defined term. Section 1012.01(2), F.S., does, however, define "instructional personnel," which includes employees such as classroom teachers, student personnel services (such as guidance counselors), and librarians and media specialists.

² Section 1012.61(1), F.S.

³ Section 1012.61(2)(a)1., F.S.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Section 1012.61(6), F.S.

⁹ Section 1012.61(2)(a)3., F.S.

¹⁰ Florida Department of Education, *2012 Agency Bill Analysis of HB 285* (Oct. 31, 2011).

¹¹ Section 1012.61(2)(a)4., F.S.

¹² *Id.*

¹³ *Id.*

percent. That number is then multiplied by the number of days accumulated.¹⁴ During and after the 13th year of service, the daily rate of pay is multiplied by 100 percent times the number of days of accumulated sick leave.¹⁵ Districts are permitted to establish policies to provide terminal pay to any full-time employees of the district school board other than instructional staff or educational support employees.¹⁶

School districts are currently required to provide a policy that allows employees to donate sick leave to a spouse, child, parent, or sibling who is also employed by the school district.¹⁷ This policy must specify that the recipient may not use the donated sick leave until all of his or her sick leave has been depleted, excluding sick leave from a sick leave pool. Donated sick leave has no terminal value.¹⁸ School districts may also allow employees to donate unused sick leave to a sick leave pool which other employees may use after they have exhausted their own sick leave.¹⁹ How many school districts have adopted sick leave pool policies is unknown, although anecdotal evidence indicates that most districts have implemented some type of sick leave pool.²⁰

Section 110.1005, F.S., requires the Department of Management Services to adopt rules governing the management of state employees.²¹ In this context, state employees include persons employed by state agencies such as the public defender and the Florida Public Service Commission.²² Rule 60L-34.0042, F.A.C., adopted by the Department of Management Service, provides for the establishment of a formal sick leave transfer program amongst employees of state agencies.²³ While school districts are not considered a state agency, the rule provides useful guidance for district policies.²⁴ The rule specifies that an employee must maintain an 80 hour balance in his or her own sick leave account before donating any sick leave. Additionally, the rule outlines the conditions required for the donation of sick leave, including that the employee receiving the leave has used all accrued sick and annual leave, suffered a documented illness which requires absence from the workplace for a minimum of five days, is not eligible for disability leave, and has not used more than 1040 hours of transferred sick leave credits in the preceding twelve month period.²⁵ Upon documented termination of the qualifying illness, unused transferred sick leave credit is returned to those employees whose donated sick leave credits have not yet been drawn upon.²⁶ Transferred sick leave has no terminal value.²⁷

Effect of Proposed Changes

The bill authorizes, but does not require, districts to create policies which permit employees to donate their unused sick leave to a specific, non-relative recipient. Recipients must have exhausted all of their own sick leave before using donated leave. The donated sick leave has no terminal value.

School districts are currently required to adopt a policy which allows family members employed within the same district to transfer sick leave. Also, school districts are currently authorized to establish sick leave pools which allow for the transfer of sick leave among district employees. Many districts have established sick leave pools. Currently, there is no mechanism for donation of sick leave to a particular individual who is not a relative. However, as previously discussed, this type of sick leave transfer is already an option for employees of state agencies, as outlined in agency rule. The bill echoes this

¹⁴ Section 1012.61(2)(a)4.a.-d., F.S.

¹⁵ Section 1012.61(2)(a)4.e., F.S.

¹⁶ Section 1012.61(2)(a)5., F.S.

¹⁷ Section 1012.61(2)(e), F.S.

¹⁸ *Id.*

¹⁹ Section 1012.61(3), F.S.

²⁰ Telephone interview with General Counsel, Florida Association of District School Superintendents (Nov. 22, 2011).

²¹ Section 110.1005, F.S.

²² Section 216.011(1)(qq), F.S.

²³ Rule 60L-34.0042(5), F.A.C.

²⁴ Section 216.011(1)(qq), F.S.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

agency rule, allowing an employee of a school district to donate sick leave to a specific non-relative employee.

B. SECTION DIRECTORY:

Section 1. Amends s. 1012.61, F.S., relating to sick leave, to authorize school districts to allow employees to authorize any district employee to use sick leave which has accumulated to the authorizing employee.

Section 2. Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Currently, school districts are permitted to adopt policies which allow for up to 80 percent payout of unused sick leave at the end of each school year, as well as policies that allow for a terminal payout plan for accumulated sick leave.²⁸ Irrespective of a district's policy, depending on the pay rate of employees who participate in the transfer of leave, school districts may incur extra costs or save money. For example, assuming the district adopted the maximum 80 percent payout for unused sick leave at the end of each year, if the daily wage rate of the recipient is higher than 80 percent of the rate of pay of the employee who transferred the sick leave, the school district will incur additional costs. Similarly, if the recipient's daily rate of pay is less than 80 percent of the daily rate of pay of the employee who transferred the sick leave, the school district will save money. These variations in fiscal impact could also occur if a district has adopted policies regarding a terminal payout plan for accumulated sick leave. Because school districts are permitted to create their own policies, the specific fiscal effects are indeterminate.²⁹

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

²⁸ Sections 1012.61(2)(a)(3), F.S. and 1012.61(2)(a)(4), F.S.

²⁹ Florida Department of Education, *2012 Agency Bill Analysis of HB 285* (Oct. 31, 2011).

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not address whether the donating employee must maintain a specific minimum balance of sick leave or that an employee receiving donated leave is required to provide documentation of illness. The bill also does not specify a required number of days an employee must be absent due to illness before donated leave may be used. Language containing these types of requirements may be advisable to provide guidelines for districts if they elect to implement a leave transfer policy.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to sick leave for school district
 3 employees; amending s. 1012.61, F.S.; authorizing each
 4 district school system to provide a policy allowing
 5 the donation of accrued sick leave to any district
 6 employee; providing an effective date.

7

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

9

10 Section 1. Paragraph (e) of subsection (2) of section
 11 1012.61, Florida Statutes, is amended to read:

12 1012.61 Sick leave.—

13 (2) PROVISIONS GOVERNING SICK LEAVE.—The following
 14 provisions shall govern sick leave:

15 (e) Use by family member or other district employee.—

16 1. Each district school system must provide a policy under
 17 which a district employee may authorize his or her spouse,
 18 child, parent, or sibling who is also a district employee to use
 19 sick leave that has accrued to the authorizing employee.

20 2. Each district school system may provide a policy under
 21 which a district employee may authorize any district employee to
 22 use sick leave that has accrued to the authorizing employee.

23

24 In developing the policy, the district school board must provide
 25 that the recipient may not use the donated sick leave until all
 26 of his or her sick leave has been depleted, excluding sick leave
 27 from a sick leave pool, if the recipient participates in a sick
 28 leave pool. Donated sick leave under this paragraph shall have

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29 | no terminal value as provided in this subsection.



30 | . Section 2. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4089 Leadership Board for Applied Research and Public Service

SPONSOR(S): Ingram

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Competitiveness Subcommittee		Guilford 	Ahearn 
2) Education Committee			

SUMMARY ANALYSIS

The bill repeals the law creating the Leadership Board for Applied Research and Public Service (Leadership Board). The Leadership Board was created in 1998 to serve as an advisory board to the Florida Board of Regents and other entities and was staffed by the Institute of Science and Public Affairs at Florida State University (FSU). The Leadership Board is no longer active.

The purpose of the Leadership Board was to focus, coordinate, and maximize university resources on current issues and events affecting Florida's residents and elected officials. The Leadership Board was required to identify and define the missions and roles of existing institutes and centers housed within each of Florida's state universities; work to eliminate duplication and confusion over conflicting roles and missions; and involve more students in learning with applied research and public service activities.

The Leadership Board was composed of 13 members and was originally chaired by the Commissioner of Education or the Commissioner's designee. The Legislature changed the membership requirements in 2007, removing the Commissioner of Education or the Commissioner's designee and designating the Chancellor of the State University System or the Chancellor's designee, to serve as chair. Other required members of the board included, the Director of the Office of Planning and Budgeting of the Executive Office of the Governor; the Secretary of the Department of Management Services; the Director of Economic and Demographic Research; the Director of the Office of Program Policy Analysis and Government Accountability; the President of the Florida League of Cities; the President of the Florida Association of Counties; the President of the Florida School Board Association; and five university presidents, designated by the Chancellor or his designee, to rotate annually.

In the 1998-99 Fiscal Year, \$450,000 was appropriated to FSU to support the Leadership Board. The Leadership Board has received no further appropriations.

The Leadership Board was required to prepare a report for the Board of Governors to be submitted to the Governor and to the Legislature, by January 1 of each year that summarized the work and recommendations of the Leadership Board in meeting its purpose and mission. The last report prepared by the Leadership Board was dated December 31, 2004.

The bill does not have a fiscal impact.

The bill provides an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Leadership Board was created in 1998 to serve as an advisory board to the Florida Board of Regents¹ and other entities.² The Leadership Board was staffed by the Institute of Science and Public Affairs at Florida State University. The purpose of the Leadership Board was to focus, coordinate, and maximize university resources on current issues and events affecting Florida's residents and elected officials. The Leadership Board was required to identify and define the missions and roles of existing institutes and centers housed within each of Florida's state universities; work to eliminate duplication and confusion over conflicting roles and missions; and involve more students in learning with applied research and public service activities.³

The Leadership Board was composed of 13 members and was originally chaired by the Commissioner of Education or the Commissioner's designee. The Legislature changed the membership requirements in 2007, removing the Commissioner of Education or the Commissioner's designee and designating the Chancellor of the State University System or the Chancellor's designee, to serve as chair.⁴ Other required members of the Leadership Board included, the Director of the Office of Planning and Budgeting of the Executive Office of the Governor; the Secretary of the Department of Management Services; the Director of Economic and Demographic Research; the Director of the Office of Program Policy Analysis and Government Accountability; the President of the Florida League of Cities; the President of the Florida Association of Counties; the President of the Florida School Board Association; and five university presidents, designated by the Chancellor or his designee, to rotate annually.⁵

In the 1998-99 Fiscal Year, \$450,000 was appropriated to FSU to support the Leadership Board. The Leadership Board has received no further appropriations.⁶

The Leadership Board was required to prepare a report for the Board of Governors to be submitted to the Governor and to the Legislature, by January 1 of each year that summarized the work and recommendations of the Leadership Board in meeting its purpose and mission.⁷ The last report prepared by the Leadership Board was dated December 31, 2004.⁸

Effect of Proposed Changes

The bill repeals s. 1004.58, F.S., which created the Leadership Board for Applied Research and Public Service. The Leadership Board is no longer active and has not been funded since the 1998-99 Fiscal Year. Additionally, there has been no annual report produced since 2004.

The Office of Program Policy Analysis and Government Accountability, the Board of Governors, and Florida State University support the repeal of this section of law.⁹

¹ The Florida Board of Regents was the governing body for the State University System of Florida until it was abolished on July 1, 2001. Section 3, ch. 2002-387, L.O.F. In 2002, the Florida Board of Governors became the governing body of the State University System of Florida. Art. IX, s. 7(d), Fla. Const.

² Section 22, ch. 98-65, L.O.F.; *see also* s. 1004.58, F.S.

³ Section 1004.58(1), F.S.

⁴ Section 101, ch. 2007-217, L.O.F.

⁵ Section 1004.58(2), F.S.

⁶ Email, Florida House of Representatives, Higher Education Appropriations Subcommittee (Nov. 17, 2011).

⁷ Section 1004.58(3), F.S.

⁸ Email, Florida State University, Office of the Provost (Nov. 15, 2011).

⁹ The Office of Program Policy Analysis and Government Accountability, *Increased Accountability and Oversight of University Centers and Institutes Is Needed*, Report No. 10-41, at 4, (May 2010), available at

B. SECTION DIRECTORY:

Section 1. Repeals s. 1004.58, F.S., relating to the Leadership Board for Applied Research and Public Service.

Section 2. Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

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1 A bill to be entitled
2 An act relating to the Leadership Board for Applied
3 Research and Public Service; repealing s. 1004.58,
4 F.S., which creates the Leadership Board for Applied
5 Research and Public Service; providing an effective
6 date.

7

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

9

10 Section 1. Section 1004.58, Florida Statutes, is repealed.

11 Section 2. This act shall take effect July 1, 2012.