

K - 12
Subcommittee
Monday, March 18, 2013
4:00 p.m. – 6:00 p.m.
17 HOB

Meeting Packet

Will Weatherford
Speaker

Janet H. Adkins
Chair



AGENDA

K-12 Subcommittee
Monday, March 18, 2013
4:00 p.m. – 6:00 p.m.
17 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following bill(s):
 - HB 559 Public School Instruction by Ford, Patronis
 - CS/HB 607 Canned or Perishable Food Distributed Free of Charge by Civil Justice Subcommittee, Rogers
 - HB 657 Powers and Duties of District School Boards by Metz
 - HB 801 Certified School Counselors by Eagle
 - HB 989 School Emergency Procedures by Rodrigues, R.
 - HB 991 Pub. Rec./School District After-Drill Report by Rodrigues, R.
- IV. Closing Remarks and Adjournment

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

K-12 Subcommittee

Start Date and Time: Monday, March 18, 2013 04:00 pm
End Date and Time: Monday, March 18, 2013 06:00 pm
Location: Morris Hall (17 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 559 Public School Instruction by Ford, Patronis
CS/HB 607 Canned or Perishable Food Distributed Free of Charge by Civil Justice Subcommittee, Rogers
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Pursuant to rule 7.12, the deadline for amendments to bills on the agenda by a member who is not a member of the subcommittee shall be 6:00 pm, Friday, March 15, 2013.

By request of the Chair, all subcommittee members are asked to have amendments to bills on the agenda submitted by 6:00 pm, Friday, March 15, 2013.

NOTICE FINALIZED on 03/14/2013 16:05 by Gilliam.Ann

1 A bill to be entitled
 2 An act relating to public school instruction; amending
 3 s. 1003.42, F.S.; requiring that instructional staff
 4 of public schools provide instruction to students
 5 about the terrorist attacks occurring on September 11,
 6 2001, and the impact of those events; providing an
 7 effective date.

8

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

10

11 Section 1. Paragraph (u) is added to subsection (2) of
 12 section 1003.42, Florida Statutes, to read:

13 1003.42 Required instruction.—

14 (2) Members of the instructional staff of the public
 15 schools, subject to the rules of the State Board of Education
 16 and the district school board, shall teach efficiently and
 17 faithfully, using the books and materials required that meet the
 18 highest standards for professionalism and historic accuracy,
 19 following the prescribed courses of study, and employing
 20 approved methods of instruction, the following:

21 (u) The events surrounding the terrorist attacks occurring
 22 on September 11, 2001, and the impact of those events on the
 23 nation.

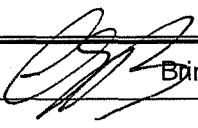
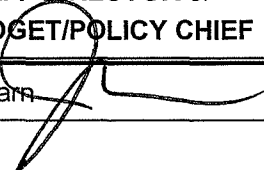
24

25 The State Board of Education is encouraged to adopt standards
 26 and pursue assessment of the requirements of this subsection.

27 Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 559 Public School Instruction
SPONSOR(S): Ford and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 332

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

SUMMARY ANALYSIS

The bill requires public schools to provide instruction on the events surrounding the terrorist attacks of September 11, 2001, and the impact of those events on the nation.

There is no anticipated fiscal impact associated with this bill. See Fiscal Comments.

The bill provides an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation:

Section 1003.42(2), F.S., establishes components of required instruction for public school students. Instructional staff must teach the following content:

- The history and content of the Declaration of Independence, to include specific consents which include in part including national sovereignty, and natural law;
- The history, meaning, significance, and effect of the provisions of the Constitution of the United States with emphasis on each of the ten amendments that make up the Bill of Rights;
- The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers;
- Flag education, including proper flag display and flag salute;
- The elements of civil government, including the primary functions of and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts, and special districts;
- The history of the United States, including the period of discovery, early colonies, the War for Independence, the Civil War, the expansion of the United States to its present boundaries, the world wars, and the civil rights movement to the present;
- The history of the Holocaust;
- The history of African Americans;
- The elementary principles of agriculture;
- The true effects of all alcoholic beverages and narcotics upon the human body and mind;
- Kindness to animals;
- The history of the state;
- The conservation of natural resources;
- Comprehensive health education that addresses concepts of community health; consumer health; environmental health; family life, including in part, an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; and dating violence and abuse;
- Such additional materials, subjects, courses, or fields in such grades as are prescribed by law or by rules of the State Board of Education and the district school board in fulfilling the requirements of law;
- The study of Hispanic contributions to the United States;
- The study of women's contributions to the United States;
- The nature and importance of free enterprise to the United States economy;
- A character-development program in kindergarten through grade 12; and
- In order to encourage patriotism, the sacrifices that veterans have made in serving our country and protecting democratic values worldwide.

The law does not establish any particular grade level or courses within which instruction on these topics must be provided. However, the Department of Education takes steps to ensure that the enumerated content is taught in public schools.

Current law does not require instruction on the impact of September 11, 2001, on our nation; however, the Department of Education's website includes multiple resources to support educators and students in researching and understanding the effects of the attacks.¹

Additionally, federal law designates September 11, 2001, as Patriot Day in honor of the individuals who lost their lives as a result of the terrorist attacks against the United States on September 11, 2001.²

Effect of Proposed Changes:

The bill requires that the events surrounding the terrorist attacks of September 11, 2001, and the impact of those events on the nation be included within required instruction for public school students. Although the bill does not include a specific timeframe for the required instruction, school districts would most likely incorporate a remembrance of these events within instruction and school-related activities on Patriot Day, September 11, of each year.

B. SECTION DIRECTORY:

Section 1. Creates s. 1003.42(2)(u), F.S.; requiring that instructional staff of public schools provide instruction to students about the terrorist attacks occurring on September 11, 2001, and the impact of those events.

Section 2. Provides an effective date of July 1, 2013.

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:

There is no anticipated fiscal impact associated with this bill. Providing instruction as required by the bill would not necessitate expenditure of funds because free resources are available for use, such as those listed by the Department of Education on its website. If districts want to purchase additional

¹ See Florida Department of Education, Patriot Day and National Day of Service and Remembrance, available at <http://www.fldoe.org/bii/humanities/pdc.asp> (last visited March 12, 2013).

² Public Law 107-89. See 36 U.S.C. s. 144.

instructional materials, those districts can use the funds received pursuant to the instructional materials categorical under the Florida Education Finance Program (FEFP) formula.

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.

1 A bill to be entitled
 2 An act relating to canned or perishable food
 3 distributed free of charge; amending s. 768.136, F.S.;
 4 limiting the liability of public schools with respect
 5 to the donation of canned or perishable food to
 6 charitable or nonprofit organizations; revising a
 7 definition; providing an effective date.

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

10
 11 Section 1. Paragraph (a) of subsection (1) of section
 12 768.136, Florida Statutes, is amended to read:

13 768.136 Liability for canned or perishable food
 14 distributed free of charge.—

15 (1) As used in this section:

16 (a) "Donor" means a person, business, organization, or
 17 institution, including a public school, which owns, rents,
 18 leases, or operates:

19 1. Any building, vehicle, place, or structure, or any room
 20 or division in a building, vehicle, place, or structure, that is
 21 maintained and operated as a place where food is regularly
 22 prepared, served, or sold for immediate consumption on or in the
 23 vicinity of the premises; or to be called for or taken out by
 24 customers; or to be delivered to factories, construction camps,
 25 airlines, locations where catered events are being held, and
 26 other similar locations for consumption at any place;

27 2. Any public location with vending machines dispensing
 28 prepared meals; or

CS/HB 607

2013

29 | 3. Any retail grocery store.

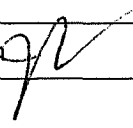
30 | Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 607 Canned or Perishable Food Distributed Free of Charge

SPONSOR(S): Civil Justice Subcommittee; Rogers

TIED BILLS: None **IDEN./SIM. BILLS:** SB 940

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	13 Y, 0 N, As CS	Ward	Bond
2) K-12 Subcommittee		Beagle GB	Ahearn 
3) Judiciary Committee			

SUMMARY ANALYSIS

The bill adds public schools to the list of defined donors protected from civil and criminal liability if they donate food to charitable organizations under the terms set forth in the statute.

The bill does not appear to have a fiscal impact on the state or local governments.

The bill provides an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Under current law, a donor of food apparently fit for human consumption may donate it without liability to a charity.¹ The statute defines a "donor," a "gleaner," "canned food," and "perishable food." The term "donor" includes grocery stores and any place where food is regularly prepared for sale. There are a number of restrictions in the current statute that must be in place for the protection to apply, including a lack of recklessness or negligence, and the good faith of the donor. Public schools are not included in the list of donors protected by the law.

Public schools in Florida participate in school lunch and breakfast programs subsidized by the federal government. Pursuant to additions to 42 U.S.C. 1758(l)(1) in 2011, "Each school and local educational agency participating in the school lunch program under this chapter may donate any food not consumed under such program to eligible local food banks or charitable organizations."

Effect of Proposed Changes

The bill adds public schools to the list of defined donors which are protected from civil and criminal liability when they donate food to charitable organizations under the terms set forth in the statute.

B. SECTION DIRECTORY:

Section 1 amends s. 768.136(1), F.S., regarding liability for canned or perishable food distributed free of charge.

Section 2 provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

The bill does not appear to have any impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

¹ Section 768.136, F.S.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have any direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

This bill does not appear to have a fiscal impact on state or local governments.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 6, 2013, the Civil Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removed a provision which added that a public school may donate food with the same protections and provisions if the school meets its school board standards for food handling and transport and the donation is approved by the school principal. This analysis is drafted to the committee substitute as passed by the Civil Justice Subcommittee.



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-12 Subcommittee
 2 Representative Metz offered the following:

Amendment (with title amendment)

5 Remove lines 27-31 and insert:
 6 earlier than 14 days before Labor Day each year. However, a
 7 district school board may advance the opening date for schools
 8 in the district by up to 5 school days, provided students
 9 complete all of their classwork and assessments for the first
 10 semester prior to Christmas Day.

14 -----
 15 **T I T L E A M E N D M E N T**

16 Remove lines 6-7 and insert:
 17 of student classwork and assessments before Christmas Day;

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A bill to be entitled
 An act relating to powers and duties of district school boards; amending s. 1001.42, F.S.; authorizing a district school board to set an opening date for schools in the district to accommodate the completion of student classwork and assessments during the fall term; providing additional purposes for which an internal auditor may be employed; providing an effective date.

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

Section 1. Paragraph (f) of subsection (4) and paragraph (1) of subsection (12) of section 1001.42, Florida Statutes, are amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, including, but not limited to, the following:

(f) Opening and closing of schools; fixing uniform date.— Adopt policies for the opening and closing of schools and fix uniform dates; however, ~~beginning with the 2007-2008 school year,~~ the opening date for schools in the district may not be earlier than 14 days before Labor Day each year, except that a district school board may advance the opening date for schools

29 | in the district by the number of days necessary to enable
 30 | students to complete all classwork and assessments for fall-term
 31 | courses 5 days before Christmas Day.

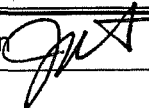
32 | (12) FINANCE.—Take steps to assure students adequate
 33 | educational facilities through the financial procedure
 34 | authorized in chapters 1010 and 1011 and as prescribed below:

35 | (1) Internal auditor.—May employ an internal auditor to
 36 | perform ongoing financial verification of the financial records
 37 | of the school district and such other audits and reviews as the
 38 | district school board directs for the purpose of overseeing
 39 | school district resources and determining compliance with
 40 | applicable laws and district school board-approved policies,
 41 | procedures, and contracts. The internal auditor shall report
 42 | directly to the district school board or its designee.

43 | Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 657 Powers and Duties of District School Boards
SPONSOR(S): Metz
TIED BILLS: IDEN./SIM. BILLS: SB 806

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee		Beagle GB	Ahearn 
2) Education Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

Under Florida law, district school boards are required to provide for the operation of all district schools for a term of 180 days, or the equivalent on an hourly basis as specified by rules of the State Board of Education. School boards must adopt policies establishing the opening and closing date for the school year. Legislation enacted in 2006 provided that, "beginning with the 2007-2008 school year, the opening date for schools in the district may not be earlier than 14 days before Labor Day each year."

The bill authorizes a district school board to start the school year earlier than 14 days before Labor Day by a number of days necessary to enable students to complete all classwork and assessments for fall-term courses five days before Christmas Day. The bill does not specify criteria for determining the number of days that may be necessary to complete the fall term five days before Christmas. Nor does it limit by a specific number of days when the earlier school start date may occur. Because school districts could start the school year at any time, the bill negates altogether the "14 days before Labor Day" requirement currently in law. The sponsor is filing an amendment to address this issue.

In addition, district school boards may employ an internal auditor to perform ongoing financial verification of the financial records of the school district. The internal auditor reports directly to the district school board or its designee.

The bill adds authorization for internal auditors to provide audits and reviews as the school board directs for the purpose of overseeing school district resources and determining compliance with applicable laws and district school board-approved policies, procedures, and contracts. This change clarifies that internal auditors are authorized to perform these duties.

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

The bill takes effect July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

School Start Date

Under Florida law, district school boards are required to provide for the operation of all district schools for a term of 180 days, or the equivalent on an hourly basis as specified by rules of the State Board of Education. School boards must adopt policies establishing the opening and closing date for the school year.¹ In most school districts, the school board bargains collectively with the certified bargaining agent (i.e., union) that represents the district's instructional personnel to set the school district calendar, including the work year, workday hours, and school holidays observed by the school district.²

Legislation enacted in 2006 provided that, "beginning with the 2007-2008 school year, the opening date for schools in the district may not be earlier than 14 days before Labor Day each year."³ The school start date issue was arguably the most controversial education issue of the 2006 session; pitting tourism industry labor needs and parent groups desiring a longer summer against advocates of local control of public schools.⁴

History of Earliest and Latest School Start Dates: 2002-03 through 2012-13⁵

Year	Earliest Start Date	Districts	Latest Start Date	Districts
2002-03	August 2	1	August 26	2
2003-04	August 1	1	August 25	2
2004-05	August 2	4	August 17	1
2005-06	August 1	4	August 16	1
2006-07	July 31	1	August 21	2
2007-08	August 20	62	August 24	1
2008-09	August 18	60	August 22	1
2009-10	August 10	2	August 27	1
2010-11	August 5	1	August 26	1
2011-12	August 8	4	August 25	1
2012-13	August 7	1	August 29	1

¹ Section 1001.42(4)(f) and (12)(a), F.S.

² See, e.g., Hillsborough County School District and Hillsborough Classroom Teachers Association, Inc., *Teacher Contract 2010-2013*, (2010), available at http://www.sdhc.k12.fl.us/HumanResources/PDFs/CONTRACT/bargaining_agreement.pdf (see table of contents) [hereinafter *Hillsborough County Agreement*]; see, e.g., Brevard County School District and Brevard Federation of Teachers, *Collective Bargaining Agreement*, (Feb. 10, 2009), available at <http://benefits.brevard.k12.fl.us/images/gt/LR/old%20stuff/old%20stuff/BFT-FY09&FY10.pdf> (see table of contents). Sections 447.203(2) and 447.309(1), F.S. The State Constitution provides that "the right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged." Section 6, Art. I of the State Constitution. The only school district whose instructional personnel are not represented by a union is Calhoun County. Section 447.305, F.S., requires that every employee organization seeking to become a certified bargaining agent for public employees register with the Public Employees Relations Commission (PERC). No such registration exists for Calhoun County. See Public Employees Relations Commission, Search Registration Orders, <http://perc.myflorida.com/co/regfilter.aspx> (last visited May 31, 2012).

³ Section 11, ch. 2006-74, L.O.F.

⁴ *Standardizing School Start Date*; Hearing before the House PreK-12 Committee, Nov. 8, 2005; Save Our Summers – Florida, <http://www.saveoursummers.org/faqs.html> (last visited March 14, 2013).

⁵ Florida Department of Education, *2012-13 School Start and End Dates*, at 1 (May 2012), available at <http://www.fldoe.org/eias/eiaspubs/word/startend1213.doc>. School districts designated by the state board as Academically High-Performing School Districts (AHPSD) have the authority to waive the start date requirement.⁵ In the 2012-13 school year, 19 districts – Brevard, Calhoun, Charlotte, Citrus, Clay, Flagler, Gilchrist, Gulf, Lee, Leon, Martin, Nassau, Palm Beach, St. Johns, Sarasota, Seminole, Sumter, Wakulla, and Walton – were eligible to waive the statute because of their status as an AHPSD. Fourteen of these districts started the school year between August 7 and 16. *Id.*; see s. 1003.621, F.S.

School Board Internal Auditors

District school boards may employ an internal auditor to perform ongoing financial verification of the financial records of the school district. The internal auditor reports directly to the district school board or its designee.⁶

Effect of Proposed Changes

The bill authorizes a district school board to start the school year earlier than 14 days before Labor Day by the number of days necessary to enable students to complete all classwork and assessments for fall-term courses five days before Christmas Day. The bill does not specify criteria for determining the number of days that may be necessary to complete the fall term five days before Christmas. Nor does it limit by a specific number of days when the earlier school start date may occur. Because school districts could start the school year at any time, the bill negates altogether the "14 days before Labor Day" requirement currently in law. The sponsor is filing an amendment to address this issue.

The bill adds authorization for internal auditors to provide audits and reviews as the school board directs for the purpose of overseeing school district resources and determining compliance with applicable laws and district school board-approved policies, procedures, and contracts. This change clarifies that internal auditors are authorized to perform these duties.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.42, F.S., relating to Powers and duties of district school boards; provides an exception to school start date requirements; authorizes additional duties for school board internal auditors.

Section 2. Provides an effective date of July 1, 2013.

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:

⁶ Section 1001.42(12)(l), F.S.
STORAGE NAME: h0657.KTS.DOCX
DATE: 3/14/2013

Public school students residing in school districts that establish an earlier school start date pursuant to the bill would have a shorter time period to work summer jobs. This could decrease their earnings during the summer months.

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:

Lines 27-31: The bill does not specify criteria for determining the number of days that may be necessary to complete the fall term five days before Christmas. Nor does it limit by a specific number of days when the earlier school start date may occur. Because school districts could start the school year at any time, the bill negates altogether the "14 days before Labor Day" requirement currently in law. The sponsor is filing an amendment to address this issue.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to certified school counselors;
 3 amending ss. 322.091, 381.0057, 1002.3105, 1003.21,
 4 1003.43, 1003.491, 1004.04, 1006.025, 1007.35,
 5 1008.42, 1009.53, 1012.71, and 1012.98, F.S.;
 6 requiring that counselors in elementary, middle, and
 7 high schools be certified school counselors; amending
 8 s. 1012.01, F.S.; prohibiting certified school
 9 counselors from being used as support staff for
 10 administrative duties; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Paragraph (b) of subsection (3) of section
 15 322.091, Florida Statutes, is amended to read:

16 322.091 Attendance requirements.—

17 (3) HARDSHIP WAIVER AND APPEAL.—

18 (b) The public school principal, the principal's designee,
 19 or the designee of the governing body of a private school shall
 20 waive the requirements of subsection (1) for any minor under the
 21 school's jurisdiction for whom a personal or family hardship
 22 requires that the minor have a driver's license for his or her
 23 own, or his or her family's, employment or medical care. The
 24 minor or the minor's parent or guardian may present other
 25 evidence that indicates compliance with the requirements of
 26 subsection (1) at the waiver hearing. The public school
 27 principal, the principal's designee, or the designee of the
 28 governing body of a private school shall consider ~~take into~~

29 ~~consideration~~ the recommendations of teachers, other school
 30 officials, certified school ~~guidance~~ counselors, or academic
 31 advisers before waiving the requirements of subsection (1).

32 Section 2. Paragraph (b) of subsection (3) of section
 33 381.0057, Florida Statutes, is amended to read:

34 381.0057 Funding for school health services.—

35 (3) Any school district, school, or laboratory school
 36 which desires to receive state funding under the provisions of
 37 this section shall submit a proposal to the joint committee
 38 established in subsection (2). The proposal shall state the
 39 goals of the program, provide specific plans for reducing
 40 teenage pregnancy, and describe all of the health services to be
 41 available to students with funds provided pursuant to this
 42 section, including a combination of initiatives such as health
 43 education, counseling, extracurricular, and self-esteem
 44 components. School health services shall not promote elective
 45 termination of pregnancy as a part of counseling services. Only
 46 those program proposals which have been developed jointly by
 47 county health departments and local school districts or schools,
 48 and which have community and parental support, shall be eligible
 49 for funding. Funding shall be available specifically for
 50 implementation of one of the following programs:

51 (b) Student support services team program.—The program
 52 shall include a multidisciplinary team composed of a
 53 psychologist, social worker, and nurse whose responsibilities
 54 are to provide basic support services and to assist, in the
 55 school setting, children who exhibit mild to severely complex
 56 health, behavioral, or learning problems affecting their school

57 performance. Support services shall include, but not be limited
 58 to: evaluation and treatment for minor illnesses and injuries,
 59 referral and followup for serious illnesses and emergencies,
 60 onsite care and consultation, referral to a physician, and
 61 followup care for pregnancy or chronic diseases and disorders as
 62 well as emotional or mental problems. Services also shall
 63 include referral care for drug and alcohol abuse and sexually
 64 transmitted diseases, sports and employment physicals,
 65 immunizations, and in addition, effective preventive services
 66 aimed at delaying early sexual involvement and aimed at
 67 pregnancy, acquired immune deficiency syndrome, sexually
 68 transmitted diseases, and destructive lifestyle conditions, such
 69 as alcohol and drug abuse. Moneys for this program shall be used
 70 to fund three teams, each consisting of one half-time
 71 psychologist, one full-time nurse, and one full-time social
 72 worker. Each team shall provide student support services to an
 73 elementary school, middle school, and high school that are a
 74 part of one feeder school system and shall coordinate all
 75 activities with the school administrator and certified school
 76 ~~guidance~~ counselor at each school. A program that ~~which~~ places
 77 all three teams in middle schools or high schools may also be
 78 proposed.

79
 80 Funding may also be available for any other program that is
 81 comparable to a program described in this subsection but is
 82 designed to meet the particular needs of the community.

83 Section 3. Paragraph (e) of subsection (3) of section
 84 1002.3105, Florida Statutes, is amended to read:

85 1002.3105 Academically Challenging Curriculum to Enhance
 86 Learning (ACCEL) options.-

87 (3) STUDENT ELIGIBILITY CONSIDERATIONS.-When establishing
 88 student eligibility requirements, principals and school
 89 districts must consider, at a minimum:

90 (e) A recommendation from a certified school guidance
 91 counselor if one is assigned to the school in which the student
 92 is enrolled.

93 Section 4. Paragraph (c) of subsection (1) of section
 94 1003.21, Florida Statutes, is amended to read:

95 1003.21 School attendance.-

96 (1)

97 (c) A student who attains the age of 16 years during the
 98 school year is not subject to compulsory school attendance
 99 beyond the date upon which he or she attains that age if the
 100 student files a formal declaration of intent to terminate school
 101 enrollment with the district school board. Public school
 102 students who have attained the age of 16 years and who have not
 103 graduated are subject to compulsory school attendance until the
 104 formal declaration of intent is filed with the district school
 105 board. The declaration must acknowledge that terminating school
 106 enrollment is likely to reduce the student's earning potential
 107 and must be signed by the student and the student's parent. The
 108 school district shall ~~must~~ notify the student's parent of
 109 receipt of the student's declaration of intent to terminate
 110 school enrollment. The student's certified school guidance
 111 counselor or other school personnel shall ~~must~~ conduct an exit
 112 interview with the student to determine the reasons for the

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113 student's decision to terminate school enrollment and actions
114 that could be taken to keep the student in school. The student's
115 certified school counselor or other school personnel shall
116 inform the student ~~must be informed~~ of opportunities to continue
117 his or her education in a different environment, including, but
118 not limited to, adult education and GED test preparation.
119 Additionally, the student shall ~~must~~ complete a survey in a
120 format prescribed by the Department of Education to provide data
121 on student reasons for terminating enrollment and actions taken
122 by schools to keep students enrolled.

123 Section 5. Paragraph (d) of subsection (7) of section
124 1003.43, Florida Statutes, is amended to read:

125 1003.43 General requirements for high school graduation.—

126 (7) No student may be granted credit toward high school
127 graduation for enrollment in the following courses or programs:

128 (d) Any Level I course unless the student's assessment
129 indicates that a more rigorous course of study would be
130 inappropriate, in which case a written assessment of the need
131 must be included in the student's individual educational plan or
132 in a student performance plan, signed by the principal, the
133 certified school ~~guidance~~ counselor, and the parent of the
134 student, or the student if the student is 18 years of age or
135 older.

136 Section 6. Subsection (3) and paragraph (a) of subsection
137 (4) of section 1003.491, Florida Statutes, are amended to read:

138 1003.491 Florida Career and Professional Education Act.—
139 The Florida Career and Professional Education Act is created to
140 provide a statewide planning partnership between the business

141 | and education communities in order to attract, expand, and
 142 | retain targeted, high-value industry and to sustain a strong,
 143 | knowledge-based economy.

144 | (3) The strategic 3-year plan developed jointly by the
 145 | local school district, regional workforce boards, economic
 146 | development agencies, and state-approved postsecondary
 147 | institutions shall be constructed and based on:

148 | (a) Research conducted to objectively determine local and
 149 | regional workforce needs for the ensuing 3 years, using labor
 150 | projections of the United States Department of Labor and the
 151 | Department of Economic Opportunity;

152 | (b) Strategies to develop and implement career academies
 153 | or career-themed courses based on those careers determined to be
 154 | high-wage, high-skill, and high-demand;

155 | (c) Strategies to provide shared, maximum use of private
 156 | sector facilities and personnel;

157 | (d) Strategies that ensure instruction by industry-
 158 | certified faculty and standards and strategies to maintain
 159 | current industry credentials and for recruiting and retaining
 160 | faculty to meet those standards;

161 | (e) Strategies to provide personalized student advisement,
 162 | including a parent-participation component, and coordination
 163 | with middle schools to promote and support career-themed courses
 164 | and education planning as required under s. 1003.4156;

165 | (f) Alignment of requirements for middle school career
 166 | planning under s. 1003.4156(1)(a)5., middle and high school
 167 | career and professional academies or career-themed courses
 168 | leading to industry certification or postsecondary credit, and

169 high school graduation requirements;

170 (g) Provisions to ensure that career-themed courses and
 171 courses offered through career and professional academies are
 172 academically rigorous, meet or exceed appropriate state-adopted
 173 subject area standards, result in attainment of industry
 174 certification, and, when appropriate, result in postsecondary
 175 credit;

176 (h) Plans to sustain and improve career-themed courses and
 177 career and professional academies;

178 (i) Strategies to improve the passage rate for industry
 179 certification examinations if the rate falls below 50 percent;

180 (j) Strategies to recruit students into career-themed
 181 courses and career and professional academies which include
 182 opportunities for students who have been unsuccessful in
 183 traditional classrooms but who are interested in enrolling in
 184 career-themed courses or a career and professional academy.
 185 School boards shall provide opportunities for students who may
 186 be deemed as potential dropouts to enroll in career-themed
 187 courses or participate in career and professional academies;

188 (k) Strategies to provide sufficient space within
 189 academies to meet workforce needs and to provide access to all
 190 interested and qualified students;

191 (l) Strategies to implement career-themed courses or
 192 career and professional academy training that lead to industry
 193 certification in juvenile justice education programs;

194 (m) Opportunities for high school students to earn
 195 weighted or dual enrollment credit for higher-level career and
 196 technical courses;

197 (n) Promotion of the benefits of the Gold Seal Bright
 198 Futures Scholarship;

199 (o) Strategies to ensure the review of district pupil-
 200 progression plans and to amend such plans to include career-
 201 themed courses and career and professional academy courses and
 202 to include courses that may qualify as substitute courses for
 203 core graduation requirements and those that may be counted as
 204 elective courses;

205 (p) Strategies to provide professional development for
 206 secondary certified school ~~guidance~~ counselors on the benefits
 207 of career and professional academies and career-themed courses
 208 that lead to industry certification; and

209 (q) Strategies to redirect appropriated career funding in
 210 secondary and postsecondary institutions to support career
 211 academies and career-themed courses that lead to industry
 212 certification.

213 (4) The State Board of Education shall establish a process
 214 for the continual and uninterrupted review of newly proposed
 215 core secondary courses and existing courses requested to be
 216 considered as core courses to ensure that sufficient rigor and
 217 relevance is provided for workforce skills and postsecondary
 218 education and aligned to state curriculum standards.

219 (a) The review of newly proposed core secondary courses
 220 shall be the responsibility of a curriculum review committee
 221 whose membership is approved by Workforce Florida, Inc., and
 222 shall include:

223 1. Three certified high school ~~guidance~~ counselors
 224 recommended by the Florida Association of Student Services

225 Administrators.

226 2. Three assistant superintendents for curriculum and
 227 instruction, recommended by the Florida Association of District
 228 School Superintendents and who serve in districts that operate
 229 successful career and professional academies pursuant to s.
 230 1003.492 or a successful series of courses that lead to industry
 231 certification. Committee members in this category shall employ
 232 the expertise of appropriate subject area specialists in the
 233 review of proposed courses.

234 3. Three workforce representatives recommended by the
 235 Department of Economic Opportunity.

236 4. Three admissions directors of postsecondary
 237 institutions accredited by the Southern Association of Colleges
 238 and Schools, representing both public and private institutions.

239 5. The Commissioner of Education, or his or her designee,
 240 responsible for K-12 curriculum and instruction. The
 241 commissioner shall employ the expertise of appropriate subject
 242 area specialists in the review of proposed courses.

243 Section 7. Paragraph (f) of subsection (5) of section
 244 1004.04, Florida Statutes, is amended to read:

245 1004.04 Public accountability and state approval for
 246 teacher preparation programs.—

247 (5) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection
 248 (4), failure by a public or nonpublic teacher preparation
 249 program to meet the criteria for continued program approval
 250 shall result in loss of program approval. The Department of
 251 Education, in collaboration with the departments and colleges of
 252 education, shall develop procedures for continued program

253 approval that document the continuous improvement of program
 254 processes and graduates' performance.

255 (f)1. Each Florida public and private institution that
 256 offers a state-approved teacher preparation program must
 257 annually report information regarding these programs to the
 258 state and the general public. This information shall be reported
 259 in a uniform and comprehensible manner that is consistent with
 260 definitions and methods approved by the Commissioner of the
 261 National Center for Educational Statistics and that is approved
 262 by the State Board of Education. This information must include,
 263 at a minimum:

264 a. The percent of graduates obtaining full-time teaching
 265 employment within the first year of graduation.

266 b. The average length of stay of graduates in their full-
 267 time teaching positions.

268 c. Satisfaction ratings required in paragraph (e).

269 2. Each public and private institution offering training
 270 for school readiness related professions, including training in
 271 the fields of child care and early childhood education, whether
 272 offering career credit, associate in applied science degree
 273 programs, associate in science degree programs, or associate in
 274 arts degree programs, shall annually report information
 275 regarding these programs to the state and the general public in
 276 a uniform and comprehensible manner that conforms with
 277 definitions and methods approved by the State Board of
 278 Education. This information must include, at a minimum:

279 a. Average length of stay of graduates in their positions.

280 b. Satisfaction ratings of graduates' employers.

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This information shall be reported through publications, including college and university catalogs and promotional materials sent to potential applicants, certified secondary school ~~guidance~~ counselors, and prospective employers of the institution's program graduates.

Section 8. Paragraphs (a) and (c) of subsection (2) of section 1006.025, Florida Statutes, are amended to read:

1006.025 Guidance services.—

(2) The guidance report shall include, but not be limited to, the following:

(a) Examination of student access to certified school ~~guidance~~ counselors.

(c) Evaluation of the information and training available to certified school ~~guidance~~ counselors and career specialists to advise students on areas of critical need, labor market trends, and technical training requirements.

Section 9. Paragraph (a) of subsection (5) of section 1007.35, Florida Statutes, is amended to read:

1007.35 Florida Partnership for Minority and Underrepresented Student Achievement.—

(5) Each public high school, including, but not limited to, schools and alternative sites and centers of the Department of Juvenile Justice, shall provide for the administration of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), or Preliminary ACT (PLAN) to all enrolled 10th grade students. However, a written notice shall be provided to each parent that shall include the opportunity to exempt his or

309 her child from taking the PSAT/NMSQT or PLAN.

310 (a) Test results will provide each high school with a
 311 database of student assessment data which certified school
 312 ~~guidance~~ counselors will use to identify students who are
 313 prepared or who need additional work to be prepared to enroll
 314 and be successful in AP courses or other advanced high school
 315 courses.

316 Section 10. Paragraph (b) of subsection (2) of section
 317 1008.42, Florida Statutes, is amended to read:

318 1008.42 Public information on career education programs.—

319 (2) The dissemination shall be conducted in accordance
 320 with the following procedures:

321 (b)1. Each district school board shall publish, at a
 322 minimum, the most recently available placement rate for each
 323 career certificate program conducted by that school district at
 324 the secondary school level and at the career degree level. The
 325 placement rates for the preceding 3 years shall be published, if
 326 available, shall be included in each publication that informs
 327 the public of the availability of the program, and shall be made
 328 available to each certified school ~~guidance~~ counselor. If a
 329 program does not have a placement rate, a publication that lists
 330 or describes that program must state that the rate is
 331 unavailable.

332 2. Each Florida College System institution shall publish,
 333 at a minimum, the most recent placement rate for each career
 334 certificate program and for each career degree program in its
 335 annual catalog. The placement rates for the preceding 3 years
 336 shall be published, if available, and shall be included in any

337 publication that informs the public of the availability of the
 338 program. If a program does not have a placement rate, the
 339 publication that lists or describes that program must state that
 340 the rate is unavailable.

341 3. If a school district or a Florida College System
 342 institution has calculated for a program a placement rate that
 343 differs from the rate reported by the department, and if each
 344 record of a placement was obtained through a process that was
 345 capable of being audited, procedurally sound, and consistent
 346 statewide, the district or the Florida College System
 347 institution may use the locally calculated placement rate in the
 348 report required by this section. However, that rate may not be
 349 combined with the rate maintained in the computer files of the
 350 Department of Education's Florida Education and Training
 351 Placement Information Program.

352 4. An independent career, trade, or business school may
 353 not publish a placement rate unless the placement rate was
 354 determined as provided by this section.

355 Section 11. Subsection (3) of section 1009.53, Florida
 356 Statutes, is amended to read:

357 1009.53 Florida Bright Futures Scholarship Program.—

358 (3) The Department of Education shall administer the
 359 Bright Futures Scholarship Program according to rules and
 360 procedures established by the State Board of Education. A single
 361 application must be sufficient for a student to apply for any of
 362 the three types of awards. The department shall ~~must~~ advertise
 363 the availability of the scholarship program and shall ~~must~~
 364 notify students, teachers, parents, certified school ~~guidance~~

365 counselors, and principals or other relevant school
 366 administrators of the criteria and application procedures. The
 367 department must begin this process of notification no later than
 368 January 1 of each year.

369 Section 12. Paragraph (b) of subsection (2) of section
 370 1012.01, Florida Statutes, is amended to read:

371 1012.01 Definitions.—As used in this chapter, the
 372 following terms have the following meanings:

373 (2) INSTRUCTIONAL PERSONNEL.—"Instructional personnel"
 374 means any K-12 staff member whose function includes the
 375 provision of direct instructional services to students.
 376 Instructional personnel also includes K-12 personnel whose
 377 functions provide direct support in the learning process of
 378 students. Included in the classification of instructional
 379 personnel are the following K-12 personnel:

380 (b) Student personnel services.—Student personnel services
 381 include staff members responsible for: advising students with
 382 regard to their abilities and aptitudes, educational and
 383 occupational opportunities, and personal and social adjustments;
 384 providing placement services; performing educational
 385 evaluations; and similar functions. Included in this
 386 classification are certified school ~~guidance~~ counselors, social
 387 workers, career specialists, and school psychologists. Certified
 388 school counselors shall perform only the duties and functions as
 389 provided by law and may not be used as support staff for
 390 administrative duties, including, but not limited to,
 391 coordinating, administering, or monitoring academic testing and
 392 testing programs, working bus or cafeteria lines, or substitute

393 teaching.

394 Section 13. Subsection (1) of section 1012.71, Florida
395 Statutes, is amended to read:

396 1012.71 The Florida Teachers Lead Program.—

397 (1) For purposes of the Florida Teachers Lead Program, the
398 term "classroom teacher" means a certified teacher employed by a
399 public school district or a public charter school in that
400 district on or before September 1 of each year whose full-time
401 or job-share responsibility is the classroom instruction of
402 students in prekindergarten through grade 12, including full-
403 time media specialists and certified school ~~guidance~~ counselors
404 serving students in prekindergarten through grade 12, who are
405 funded through the Florida Education Finance Program. A "job-
406 share" classroom teacher is one of two teachers whose combined
407 full-time equivalent employment for the same teaching assignment
408 equals one full-time classroom teacher.

409 Section 14. Paragraph (a) of subsection (3) of section
410 1012.98, Florida Statutes, is amended to read:

411 1012.98 School Community Professional Development Act.—

412 (3) The activities designed to implement this section
413 must:

414 (a) Support and increase the success of educators through
415 collaboratively developed school improvement plans that focus
416 on:

417 1. Enhanced and differentiated instructional strategies to
418 engage students in a rigorous and relevant curriculum based on
419 state and local educational standards, goals, and initiatives;

420 2. Increased opportunities to provide meaningful

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421 relationships between teachers and all students; and
 422 3. Increased opportunities for professional collaboration
 423 among and between teachers, certified school guidance
 424 counselors, instructional leaders, postsecondary educators
 425 engaged in preservice training for new teachers, and the
 426 workforce community.
 427 Section 15. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 801 Certified School Counselors

SPONSOR(S): Eagle

TIED BILLS: **IDEN./SIM. BILLS:**

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

SUMMARY ANALYSIS

The bill provides that certified school counselors shall perform only the duties and functions as provided by law and prohibits schools within the Florida public school system from using certified school counselors as support staff for administrative duties, including, but not limited to:

- Coordinating, administering, or monitoring academic testing and testing programs;
- Working bus or cafeteria lines; or
- Substitute teaching.

The bill substitutes “certified school counselor” for the term “guidance counselor.” This reflects the current requirement that persons employed as school counselors be certified as set forth by law and State Board of Education rule. It also makes various technical changes.

This bill may have some fiscal impact on some school districts. However, the extent of the impact is indeterminate. See Fiscal Comments.

The bill provides an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

School Counselors

Present Situation

School counselors play a significant role in school guidance and counseling programs, which are designed to promote student success through a focus on academic achievement, prevention, intervention, and advocacy.¹ They evaluate students and participate in decisions relating to the promotion, remediation, and retention of students. Effective school guidance counselors work with school administrators, faculty, students, parents, and members of the community to plan, implement, and evaluate comprehensive guidance and counseling programs. In advising students, counselors identify needs, define priorities, and determine appropriate objectives. They also determine the personnel, physical resources, programs, and activities required to best serve the student.²

School counselors are considered instructional personnel within Florida's public school system.³ To be employed as a school counselor, a person must be certified as required by law and State Board of Education (SBE) rule.⁴ To be certified in guidance and counseling, a person must hold a master's or higher degree with a graduate major in guidance and counseling or counselor education or a master's or higher degree with 30 semester hours of graduate credit in specified guidance and counseling courses.⁵

Currently, there are no restrictions or prohibitions set forth by law or rule with respect to what school or administrative support activities school administrations may require a school counselor to perform.

The table below indicates the number of school counselors in the Florida public school system for the year 2010-2011:

Florida School Counselors by Area					
Elementary	Middle/Jr.	Senior High	Other Type School	Career Specialist	TOTAL
1,751	1,134	2,005	433	100	5,423

Effect of Proposed Changes

This bill rephrases within the Florida Statutes the term "guidance counselor" to read "certified school counselor." This change reflects the current requirement that persons employed as school counselors hold a certificate in guidance and counseling as provided by law and SBE rule.⁶

The bill also prohibits certified school counselors from being used by public schools as support staff for administrative duties. The administrative activities that schools may not require certified school counselors to perform include:

¹ Florida Department of Education, Division of Workforce Development, *Florida's School Counseling and Guidance Framework: A comprehensive Student Development Model* (2001), available at <http://www.fldoe.org/workforce/pdf/guidance.pdf> (last visited March 12, 2013).

² *Id.*

³ Section 1012.01(2)(b), F.S.

⁴ Section 1012.55(1), F.S.

⁵ Rule 6A-4.0181, F.A.C.

⁶ See Section 1012.55(1), F.S.; Rule 6A-4.0181, F.S.

- Coordinating, administering, or monitoring academic testing and testing programs;
- Working bus or cafeteria lines; and
- Substitute teaching.

The bill specifies that certified school counselors shall perform only the duties and functions as provided by law.

B. SECTION DIRECTORY:

Section 1. Amends s. 322.091(3)(b), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor”; providing technical changes.

Section 2. Amends s. 381.0057(3)(b), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor”; providing technical changes.

Section 3. Amends s. 1002.3105(3)(e), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 4. Amends s. 1003.21(1)(c), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor”; providing technical changes.

Section 5. Amends s. 1003.43(7)(d), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 6. Amends s. 1003.491(3) and (4)(a), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 7. Amends s. 1004.04(5)(f), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 8. Amends s. 1006.025(2)(a) and (c), F.S.; specifying the requirement that students have access to certified school counselors; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 9. Amends s. 1007.35(5)(a), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 10. Amends s. 1008.42(2)(b), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 11. Amends s. 1009.53(3), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor”; providing technical changes.

Section 12. Amends s. 1012.01(2)(b), F.S.; prohibiting certified school counselors from being used as support staff for administrative duties.

Section 13. Amends s. 1012.71(1), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 14. Amends s. 1012.98(3)(a), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 15. Provides an effective date of July 1, 2013.

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:

School districts that currently utilize certified school counselors as support staff for certain administrative activities may be required to hire additional staff. This is because public schools, as of the effective date of this bill, will no longer be able to assign certified school counselors to perform these activities. The fiscal impact to districts is indeterminate because the use of certified school counselors for these administrative functions varies by school and school district.

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.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.



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-12 Subcommittee
 2 Representative Rodrigues, R. offered the following:

3
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 6
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Amendment

Remove lines 67-68 and insert:
shall electronically submit to the school district an after
drill report that details



Amendment No. 2

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-12 Subcommittee
 2 Representative Rodrigues, R. offered the following:

Amendment (with title amendment)

Remove lines 114-119

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

11 Remove lines 13-15 and insert:
 12 drill report; providing an effective date.

1 A bill to be entitled
 2 An act relating to school emergency procedures;
 3 amending s. 1006.07, F.S.; defining and distinguishing
 4 emergency lockdown drills from emergency evacuation
 5 drills; requiring that emergency lockdown drills be
 6 conducted at least as often as emergency evacuation
 7 drills; encouraging local law enforcement officers or
 8 fire officials to participate in and to review at
 9 least one emergency lockdown drill at each school each
 10 year; requiring a designated staff member to submit an
 11 after-drill report to the school district after an
 12 emergency drill; providing requirements for the after-
 13 drill report; requiring that each school annually
 14 review and revise its safety policies and procedures
 15 as needed; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Subsections (4) and (5) of section 1006.07,
 20 Florida Statutes, are reordered and amended, and subsection (6)
 21 of that section is amended, to read:

22 1006.07 District school board duties relating to student
 23 discipline and school safety.—The district school board shall
 24 provide for the proper accounting for all students, for the
 25 attendance and control of students at school, and for proper
 26 attention to health, safety, and other matters relating to the
 27 welfare of students, including:

28 (5)~~(4)~~ EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

29 (a) Formulate and prescribe policies and procedures for
30 emergency lockdown drills and emergency evacuation drills for
31 actual emergencies, including, but not limited to, fires,
32 natural disasters, and bomb threats, for all the public schools
33 of the district which comprise grades K-12. District school
34 board policies must ~~shall~~ include commonly used alarm system
35 responses for specific types of emergencies and verification by
36 each school that drills have been provided as required by law
37 and fire protection codes. As used in this paragraph, the term
38 "evacuation drill" means an activity in which students and
39 faculty practice the safest and quickest way to evacuate a
40 school facility in case of an emergency in which evacuation is
41 generally the safest option, such as in the case of a fire. As
42 used in this paragraph, the term "lockdown drill" means an
43 activity in which students and faculty practice securing a
44 school facility or rooms within the facility in case of an
45 emergency in which hiding from a hostile danger is generally
46 deemed safer than evacuating the building, such as in the case
47 of a tornado or the presence of an armed person who is
48 threatening the safety of the students or employees of a school.

49 1. The policies and procedures must require that emergency
50 lockdown drills be conducted at least as often as emergency
51 evacuation drills. This subparagraph does not require an
52 increase in the total number of emergency drills conducted at a
53 school each year.

54 2. Local law enforcement officers or fire officials are
55 encouraged to participate in, and to review, at least one
56 emergency lockdown drill at each school each year. After a

57 drill, participating law enforcement officers or fire officials
 58 are encouraged to submit recommendations to the school on how it
 59 can improve its safety procedures in case of an emergency
 60 lockdown.

61 3. Each school shall designate the principal or a member
 62 of its staff as the person responsible for overseeing a school's
 63 emergency drills. Before an emergency drill is conducted, the
 64 designated staff member shall review the appropriate, most
 65 recent after-drill report required under subparagraph 4.

66 4. After a drill is completed, the designated staff member
 67 shall electronically submit to the school district, in a format
 68 prescribed by the department, an after-drill report that details
 69 the specific drill that was conducted. Such report must include
 70 positive observations and recommendations for improvement
 71 offered by the school or participating law enforcement officers
 72 or fire officials, if any.

73 (b) ~~The district school board shall~~ Establish model
 74 emergency management and emergency preparedness procedures for
 75 the following life-threatening emergencies:

- 76 1. Weapon-use and hostage situations.
- 77 2. Hazardous materials or toxic chemical spills.
- 78 3. Weather emergencies, including hurricanes, tornadoes,
 79 and severe storms.
- 80 4. Exposure as a result of a manmade emergency.

81 (4)-(5) EDUCATIONAL SERVICES IN DETENTION FACILITIES.—Offer
 82 educational services to minors who have not graduated from high
 83 school and eligible students with disabilities under the age of
 84 22 who have not graduated with a standard diploma or its

85 equivalent who are detained in a county or municipal detention
 86 facility, as defined in s. 951.23. These educational services
 87 must ~~shall~~ be based upon the estimated length of time the
 88 student will be in the facility and the student's current level
 89 of functioning. District school superintendents or their
 90 designees shall be notified by the county sheriff or chief
 91 correctional officer, or his or her designee, upon the
 92 assignment of a student under the age of 21 to the facility. A
 93 cooperative agreement with the district school board and
 94 applicable law enforcement units shall be developed to address
 95 the notification requirement and the provision of educational
 96 services to these students.

97 (6) SAFETY AND SECURITY BEST PRACTICES.-

98 (a) Use the Safety and Security Best Practices developed
 99 by the Office of Program Policy Analysis and Government
 100 Accountability to conduct a self-assessment of the school
 101 districts' current safety and security practices. Based on these
 102 self-assessment findings, the district school superintendent
 103 shall provide recommendations to the district school board which
 104 identify strategies and activities that the district school
 105 board should implement in order to improve school safety and
 106 security. ~~Annually~~ Each district school board must annually
 107 receive the self-assessment results at a publicly noticed
 108 district school board meeting to provide the public an
 109 opportunity to hear the district school board members discuss
 110 and take action on the report findings. Each district school
 111 superintendent shall report the self-assessment results and
 112 school board action to the commissioner within 30 days after the

HB 989

2013

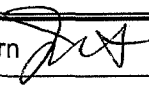
113 district school board meeting.

114 (b) By July 1, 2014, and each year thereafter, review the
 115 Safety and Security Best Practices developed by the Office of
 116 Program Policy Analysis and Government Accountability and revise
 117 its policies and procedures as needed. A school district may
 118 revise its policies and procedures regarding emergency drills
 119 without department approval.

120 Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 989 School Emergency Procedures
SPONSOR(S): Rodrigues
TIED BILLS: HB 991 **IDEN./SIM. BILLS:** SB 790

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee		Beagle GB	Ahearn 
2) Education Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

Florida law requires each district school board to formulate policies and procedures for emergency response drills and actual emergencies. These policies must include procedures for responding to various emergencies, such as fires, natural disasters, and bomb threats.

The *Safety and Security Best Practices* (Best Practices) is a self-assessment tool that each school district must use to annually assess the effectiveness of district emergency response policies. 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 and revisions made to policies and procedures must be reported to the Commissioner of Education within 30 days.

The bill revises provisions relating to school district policies and procedures for emergency drills and actual emergencies to instead require that such policies and procedures encompass "emergency lock down drills" and "emergency evacuation drills." The bill defines:

- "Evacuation drill" as an "activity in which students and faculty practice the safest and quickest way to evacuate a school facility in case of an emergency."
- "Lockdown drill" as an "activity in which students and faculty practice securing a school facility or rooms within the facility in case of an emergency in which hiding from a hostile danger is generally deemed safer than evacuating the building."

Emergency policies and procedures must require that emergency lockdown drills be conducted at least as often as emergency evacuation drills. However, the bill states that school districts are not required to increase the total annual number of emergency drills conducted at a school. The bill encourages local law enforcement or fire personnel to participate annually in at least one emergency lockdown drill per school, review its execution, and submit recommendations to the school for improving lockdown procedures. The bill requires each school to designate the principal or a staff member as the person responsible for overseeing the school's emergency drills and submitting after-drill reports to the school district.

The bill requires district school boards to review the Best Practices and revise its policies and procedures as needed by July 1, 2014, and annually thereafter. The bill states that Department of Education (DOE) approval is not required for policy revisions resulting from the self-assessment. Subsection (6) of s. 1006.07, F.S., already requires annual use of the Best Practices to self-assess emergency policies and procedures. DOE approval of revisions to such policies resulting from the self-assessment is not currently required. Thus, it appears this provision is unnecessary.

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

The bill takes effect July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Emergency Drills and Procedures

Florida law requires each district school board to formulate policies and procedures for emergency response drills and actual emergencies. These policies must include procedures for responding to various emergencies, such as fires, natural disasters, and bomb threats. Commonly used alarm system responses for specific types of emergencies must be incorporated into such policies.¹

The *Safety and Security Best Practices* (Best Practices) is a self-assessment tool that each school district must use to annually assess the effectiveness of district emergency response policies. The self-assessment is developed by the Office of Program Policy Analysis and Government Accountability (OPPAGA). Among other “best practices,” the self-assessment suggests that school districts:

- Implement procedures for emergency drills including procedures for verifying that regular drills are conducted and varying the time and conditions for such drills to prepare for a range of scenarios.
- Develop a checklist with step-by-step emergency procedures for use in every classroom which includes evacuation, lockdown, and shelter-in-place procedures developed in collaboration with local law enforcement, fire, and emergency response personnel.
- Share emergency plans, policies, procedures, and educational facilities floor plans with local law enforcement agencies and fire departments.
- Share emergency plans and procedures with designated school and school district personnel, identify training for all types of school staff and staff that require specialized training, and incorporate such training into its Master Plan for In-Service Training.
- Use the annual self-assessment to identify the potential hazards for each educational facility and implement procedures for practicing responses to identified hazards.
- Review the comprehensive school safety plan and emergency procedures and revise them if necessary.²

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.³

Effect of Proposed Changes

The bill revises provisions relating to school district policies and procedures for emergency drills and actual emergencies to instead require that such policies and procedures encompass “emergency lock down drills” and “emergency evacuation drills.” The bill defines:

¹ Section 1006.07(4)(a), F.S. 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. Section 1006.07(4)(b), F.S.

² 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 12, 2013).

³ Section 1006.07(6), F.S.

- "Evacuation drill" as an "activity in which students and faculty practice the safest and quickest way to evacuate a school facility in case of an emergency in which evacuation is generally the safest option."
- "Lockdown drill" as an "activity in which students and faculty practice securing a school facility or rooms within the facility in case of an emergency in which hiding from a hostile danger is generally deemed safer than evacuating the building."

Emergency policies and procedures must require that emergency lockdown drills be conducted at least as often as emergency evacuation drills. However, the bill states that school districts are not required to increase the annual number of emergency drills conducted at a school. The bill encourages local law enforcement or fire personnel to participate annually in at least one emergency lockdown drill per school, review its execution, and submit recommendations to the school for improving lockdown procedures.

The bill requires each school to designate the school principal or a staff member as the person responsible for overseeing the school's emergency drills. After a drill is completed, the designated staff member must electronically submit to the school district an after-drill report that details the specific drill that was conducted. Such report must include any feedback and recommendations for improvement offered by the school or participating law enforcement or fire personnel. The most recent after-drill reports must be reviewed by the designated staff member before each drill. The Department of Education (DOE) must prescribe a format for after-drill reports.

The bill requires each district school board to review the Best Practices and revise its policies and procedures as needed by July 1, 2014, and annually thereafter. The bill states that DOE approval is not required for policy revisions resulting from the review.

Subsection (6) of s. 1006.07, F.S., already requires annual use of the Best Practices to self-assess emergency policies and procedures. DOE approval of policy revisions resulting from the self-assessment is not currently required. Thus, it appears this provision is unnecessary.

B. SECTION DIRECTORY:

Section 1. Amends s. 1006.07, F.S., relating to District school board duties relating to student discipline and school safety; requires policies and procedures for certain emergency drills; and prescribes requirements for after-drill reporting.

Section 2. Provides an effective date of July 1, 2013.

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:

Lines 114-119: The bill requires district school boards to review the Best Practices and revise its policies and procedures as needed by July 1, 2014, and annually thereafter. The bill states that DOE approval is not required for policy revisions resulting from the review.

Subsection (6) of s. 1006.07, F.S., already requires annual use of the Best Practices to self-assess emergency policies and procedures. DOE approval of policy revisions resulting from the self-assessment is not currently required. Thus, it appears this provision is unnecessary.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 1006.07, F.S.; exempting from public records
 4 requirements a school district's after-drill report
 5 that summarizes the emergency drills of each school in
 6 the district and the recommendations from
 7 participating law enforcement officers or fire
 8 officials; providing for future repeal and legislative
 9 review of the exemption under the Open Government
 10 Sunset Review Act; providing a statement of public
 11 necessity; providing a contingent effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:
 14

15 Section 1. Subsection (7) is added to section 1006.07,
 16 Florida Statutes, to read:

17 1006.07 District school board duties relating to student
 18 discipline and school safety.—The district school board shall
 19 provide for the proper accounting for all students, for the
 20 attendance and control of students at school, and for proper
 21 attention to health, safety, and other matters relating to the
 22 welfare of students, including:

23 (7) AFTER-DRILL REPORTS.—A school district's after-drill
 24 report and the recommendations from participating law
 25 enforcement officers or fire officials are exempt from s.
 26 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 27 subsection is subject to the Open Government Sunset Review Act
 28 in accordance with s. 119.15 and shall stand repealed on October

29 2, 2018, unless reviewed and saved from repeal through
30 reenactment by the Legislature.

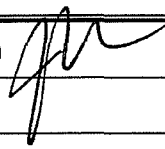
31 Section 2. The Legislature finds that it is a public
32 necessity that information contained in a school district's
33 after-drill report and the recommendations from participating
34 law enforcement officers or fire officials be made exempt from
35 public records requirements. While educating students is a
36 school district's primary focus, each school district must also
37 protect its students along with its employees and faculty
38 members at each school. In light of the tragic events at Sandy
39 Hook Elementary School in Newtown, Connecticut, where 20
40 students and six adults were killed on December 14, 2012, and at
41 Columbine High School in Columbine, Colorado, where 12 students
42 and one teacher were murdered and an additional 21 students were
43 injured on April 20, 1999, school districts in this state are
44 keenly aware that the safety and security of students,
45 employees, and faculty members is of paramount concern. The
46 information contained in an after-drill report and the
47 recommendations from participating law enforcement officers or
48 fire officials regarding a school's conducted emergency drills
49 and the school's strengths and weaknesses in conducting those
50 drills is information that could be used by a person who intends
51 harm, possibly deadly harm, against the school's students,
52 employees, and faculty members. Failing to exempt this
53 information from public records requirements could expose a
54 school's safety measures to a person who means ill will or is
55 mentally unstable and could hamper the school's efforts to keep
56 its students, employees, and faculty members safe and secure.

57 | Accordingly, the Legislature finds that the harm to a school's
 58 | students, employees, and faculty members which would result from
 59 | the release of the school district's after-drill report and the
 60 | recommendations from participating law enforcement officers or
 61 | fire officials substantially outweighs any public benefit
 62 | derived from disclosure to the public.

63 | Section 3. This act shall take effect on the same date
 64 | that HB 989 or similar legislation takes effect, if such
 65 | legislation is adopted in the same legislative session or an
 66 | extension thereof and becomes a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 991 Pub. Rec./School District After-Drill Report
SPONSOR(S): Rodrigues
TIED BILLS: HB 989 IDEN./SIM. BILLS: SB 800

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee		Beagle <i>GB</i>	Ahearn 
2) Government Operations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

A security system plan or portion thereof for any property owned by or leased to the state or any of its political subdivisions or any privately owned or leased property held by an agency is confidential and exempt from s. 24(a), Art. I of the State Constitution. A security system plan includes threat assessments conducted by any agency; threat response plans; emergency evacuation plans; and sheltering arrangements.

HB 989 requires each public school to submit to the school district an after-drill report detailing each emergency evacuation drill or lockdown drill conducted by the school. The after-drill reports may include recommendations for improving lockdown procedures made by law enforcement and fire department personnel.

The bill creates a public records exemption for after-drill reports and recommendations made by law enforcement and fire department personnel.

The bill provides for repeal of the exemption on October 2, 2018, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution. The bill also provides an effective date that is contingent upon the passage of House Bill 989.

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

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created public records or public meeting exemption. The bill creates a public meeting exemption; thus, it requires a two-thirds vote for final passage.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Public Records Law

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. The section guarantees every person a right to inspect or copy any public record held by governmental entity, including district school boards. The Legislature, however, may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.¹

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record. Furthermore, the Open Government Sunset Review Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose.² In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protects trade or business secrets.³

Public Record Exemptions -- Security System Plans

The law defines "security system plan" to include all:

- Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security of the facility or revealing security systems;
- Threat assessments conducted by any agency or any private entity;
- Threat response plans;
- Emergency evacuation plans;
- Sheltering arrangements; or
- Manuals for security personnel, emergency equipment, or security training.

A security system plan or portion thereof for any property owned by or leased to the state or any of its political subdivisions or any privately owned or leased property held by an agency is confidential and exempt from s. 24(a), Art. I of the State Constitution.⁴

¹ Section 24(c), Art. I of the State Constitution.

² Section 119.15(6)(b), F.S.

³ *Id.*

⁴ Section 119.071(3)(a), F.S.

House Bill 989

HB 989 requires each public school to submit to the school district an after-drill report detailing each emergency evacuation drill or lockdown drill conducted by the school. The after-drill reports may include recommendations for improving lockdown procedures made by law enforcement and fire department personnel.

Effect of Proposed Changes

The bill creates a public records exemption for after-drill reports of public school emergency evacuation and lockdown drills and recommendations made by law enforcement and fire department personnel. The bill states that the Legislature finds that it is a public necessity that information contained in a school district's after-drill report and the recommendations from participating law enforcement officers or fire officials be made exempt from public records requirements. Because this information may reveal strengths and weaknesses in the school's security, a person who intends harm, possibly deadly harm, could use the information against the school's students, employees, and faculty members. Failing to exempt this information from public records requirements could expose a school's safety measures to a person who means ill will or is mentally unstable and could hamper the school's efforts to keep its students, employees, and faculty members safe and secure. Accordingly, the Legislature finds that the harm to a school's students, employees, and faculty members which may result from the release of this information outweighs any public benefit derived from disclosure to the public.

B. SECTION DIRECTORY:

Section 1. Amends s. 1006.07, F.S., relating to District school board duties relating student discipline and school safety; creates a public record exemption.

Section 2. Provides a public necessity statement.

Section 3. Provides an effective date that is contingent upon the passage of House Bill 989.

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:

Vote Requirement

Article I, s. 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for final passage of a newly created public record or public meeting exemption. The bill creates a new public record exemption; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution, requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a new public record exemption; thus, it includes a public necessity statement.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates a public record exemption for after-drill reports of public school emergency evacuation and lockdown drills and recommendations made by law enforcement and fire department personnel. The exemption does not appear to be in conflict with the constitutional requirement that the exemption be no broader than necessary to accomplish its purpose.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.