

General Information

The Florida House and Senate ended the 2016 Legislative Session when the two chambers simultaneously adjourned “Sine Die” at 6:45 PM on Friday, March 11. Below is budget information and substantive education related legislation that passed and died after the close of the session. The bill numbers are hyperlinked to the bills that have been signed into law by the governor and passed during session. Please make sure that any bill text you are reviewing is the “enrolled” (ER) final version of the bill.

Budget Information

The House and Senate Budget Chairs closed out the budget items that affect public education on March 7 at 9 PM. The Conference Report for the following key Budget, and Implementing Bills that passed as well as additional budget documents:

The Conference Report includes the following GAA, Implementing bill, FRS rate bill, and the FEFP:

[HB 5001](#) - General Appropriations Act

[HB 5003](#) - Implementing General Appropriations Act

[HB 5005](#) - FRS Rate Bill Summary

[Florida Education Finance Program](#)

Public Schools / K12 FEFP Summary

Statewide

- Total funding: \$20.1 billion (\$11.3 billion state funds; \$8.8 billion local funds);
- Total funding increase of \$458 million or 2.33%;
- Projected enrollment increase of 36,356 new students (Unweighted FTE) or 1.3%;
- \$71.16 average increase per student, 1% increase, over the 2015-16 fiscal year; and
- \$7,178.49 average per student funding.

Orange County

- Total funding: \$1.4 billion (\$806 million state funds; \$620 million local funds);
- Total funding increase is estimated to be about \$49.8 million or 3.63%;
- Projected enrollment increase of 4,996 or 2.6%;
- Total funding increase is estimated to be \$49.8 million;
- \$72.56 average increase per student, 1.03 % increase, over the 2015-16 fiscal year; and
- \$7,137.25 average funds per student.

The statewide average increase per student is \$71.16 more than average dollars per student in the 2015-16 fiscal year. The Appropriation Conference Budget Chair and Vice Chair have stated the per student funding increase is “historic”.

The actual highest per student funding occurred in the 2007-08 budget, passed at the end of regular session of 2007, which provided \$127 per student more than the declared “historic” high level of per student funding in the 2016-17 budget.

The reality is that the currently approved budget is only a \$54 per student increase over the appropriated amount declared historic by the Legislature in the revised 3rd calculation passed in March 2008. That was the lowest average dollars per student of the seven FEFP calculations of FY 2007-2008. Since the per student funding this year is \$54 above the Legislature’s highest amount 9 years ago the average increase per year is \$6 per student each year since 2007-08.

The majority of 1% percent increase will be consumed by retirement and insurance rate increases and the “lowest 300 schools” in most districts as well as other mandatory expenditures. It will be extremely difficult for districts to provide meaningful pay raises to teachers and staff in the upcoming year.

- Exceptional Student Education (ESE) Guaranteed Allocation: \$1,055,304,496.
- Safe Schools Allocation: \$0 increase
- Supplemental Academic Instruction (SAI): \$61,081,598
 - \$52,941,454 for the 300 elementary schools with the lowest reading scores, to pay for the required extra hour of reading instruction
 - \$8,140,144 is distributed to districts with increased enrollment
- Reading Allocation: \$0 increase.
- Instructional Materials Allocation: \$228,792,422: \$2,962,309 increase for 36,356 new students
- Transportation Allocation: \$435,164,782
- Teacher Supply Allocation: \$0 increase.
- Federally Connected Student Supplement: \$12,136,893.
- Virtual Education Contribution remains at \$5,230 per FTE.
- Digital Classrooms Allocation: \$80,000,000, an increase of \$20,000,000.
- Class Size Reduction Allocation: \$3,074,633,009 for CSR operating expenses.

Public Schools/K12 Non-FEFP Summary

- Public Education Capital Outlay (PECO):
 - \$75 million for district-operated schools
 - \$75 million for charter-operated schools to be distributed as specified (HB 7029)
- Adults with Disabilities: \$5,375,369 in specified amounts for 18 programs
- School Readiness Services: \$570,827,228
- VPK programs: \$395,180,396 (Base Student Allocation is \$2,437, summer program is \$2,080)
- School District Matching Grants for foundations: \$4,500,000
- Florida Best and Brightest Teacher Scholarship Program: \$49,000,000 (\$5 million more than previous year)
- Educator Professional Liability Insurance: \$1,200,000
- Administrator Professional Development: \$7,000,000 continues the program as provided in the previous year, and the Department is directed to work with Teach for America to infuse talent into the ranks of public school teachers and administrators.
- Vocational Formula Funds: \$72,144,852
- CPALMS project within the Department of Education budget
- School Health Services: 17,035,528
- Full Service Schools: \$8,500,000
- Digital Classrooms Allocation: \$80 million with a minimum allocation for each school district \$500,000

Bill that have been signed into law by the Governor **HB 273** by Rep. Beshears relating to Public Records

The bill passed the House on January 27, 2016, and subsequently passed the Senate on February 2, 2016.

This bill requires a public agency contract for services with a contractor to include a statement in large, boldface font informing the contractor of the contact information of the public agency's custodian of public records (records custodian) and instructing the contractor to contact the records custodian concerning any questions the contractor may have regarding the contractor's duties to provide public records relating to the contract.

The bill repeals the requirement that each contract for services require the contractor to transfer its public records to the public agency upon termination of the contract. Instead, the contract must address whether the contractor will retain the public records or transfer the public records to the public agency upon completion of the contract.

The bill requires a request for public records relating to a contract for services to be made directly to the contracting public agency. If the public agency determines that it does not possess the records, it must immediately notify the contractor and the contractor must provide the records or allow access to the records within a reasonable time. A contractor who fails to provide the records to the public agency within a reasonable time may be subject to certain penalties.

The bill provides that if a civil action is filed to compel production of public records, the court must assess and award against the contractor the reasonable costs of enforcement, including attorney fees, if the court determines that a contractor unlawfully refused to comply with the public records request within a reasonable time, and the plaintiff provided written notice of the public records request to the public agency and the contractor. The notice must be sent at least 8 business days before the plaintiff files the civil action. The bill specifies that a contractor who complies with the public records request within 8 business days after the notice is sent is not liable for the reasonable costs of enforcement.

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

The bill was approved by the Governor on March 8, 2016, and became effective on that date.

SB 350 by Sen. Montford relating to Procurement Procedures for Educational Institutions

The bill authorizes district school boards, Florida College System institution boards of trustees and university boards of trustees to make purchases through an online procurement system, electronic auction service, or other efficient procurement tool.

In addition, the bill requires each district school board and Florida College System institution board of trustees to review the purchasing agreements and state term contracts available through the Department of Management Services pursuant to s. 287.056, F.S., before purchasing nonacademic commodities and services.

The bill also:

- Requires each bid specification for nonacademic commodities and services include a statement that the purchasing agreements and state term contracts have been reviewed, and
- Authorizes each district school board to use the cooperative state purchasing programs managed through the regional consortium service organizations.

The bill has an indeterminate fiscal impact. Online procurement may result in costs savings for district school boards, Florida College System institution boards of trustees and university boards of trustees. District school boards and Florida College System institutions may realize

some cost savings to the extent goods and services are available at lower costs through the state term contracts and purchasing agreements.

District school boards may also realize cost savings by utilizing cooperative state purchasing programs managed through regional consortium service organizations. However, the extent of these potential cost savings is not known.

The bill is effective July 1, 2016.

SB 672 by Sen. Gaetz relating to Educational Options

The bill incorporates into the Florida Statutes on July 1, 2016, and modifies educational choice program provisions affected by the 2015-2016 General Appropriations Act and Implementing Bill in four policy areas.

The bill establishes mechanisms for the approval of unique postsecondary education programs tailored to the needs of students with intellectual disabilities and the statewide coordination of information about programs for students with disabilities. Specifically, the bill includes two key components:

- A process through which postsecondary institutions in Florida can voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP) for students with intellectual disabilities; and
- A Florida Center for Students with Unique Abilities (statewide coordinating center) for statewide coordination of information regarding programs and services for students with disabilities and their parents.

The bill awards incentive payments to school districts and charter schools that implement districtwide or schoolwide, standard student attire policies applicable to students in kindergarten through grade 8. Each school district or charter school qualifies for a minimum award of \$10 per student if it implements a policy that:

- Prohibits certain types or styles of clothing, while requiring solid-colored clothing and fabrics and short- or long-sleeved shirts with collars; and
- Allows reasonable accommodations based on a student's religion, disability, or medical condition.

The bill amends a number of provisions of the Florida Personal Learning Scholarship Account (PLSA) program. The provisions increase student access, tighten accountability, and streamline administration.

The bill amends provisions for the Florida Tax Credit (FTC) scholarship program.

During the 2015A Special Session, the Legislature provided funding in the 2015-2016 General Appropriations Act (GAA) for the standard student attire fund using proviso language similar to the provisions on standard student attire contained in SB 672. In addition, the Legislature included funding in the 2015-2016 GAA for the PLSA program based upon amendments to s. 1002.385, F.S., contained in the Implementing Bill for the 2015-2016 GAA, which also are included and modified in SB 672. The 2015-2016 Implementing Bill, ch. 2015-222, L.O.F., likewise amended provisions of law related to scholarship funding organizations (SFOs) that administer the FTC scholarship program and the PLSA program, which are included and modified in SB 672. The 2015-2016 Implementing Bill provisions expire July 1, 2016, and the text of the affected sections of the Florida Statutes will revert back to the text which existed on

Jun 30, 2015, unless the Legislature re-enacts those provisions. SB 672 enacts the proviso's requirements for the standard student attire program into substantive law; it effectively re-enacts, with modifications, the provisions contained in the 2015-2016 implementing bill relating to the PLSA program and SFOs.

The bill appropriates a total of \$95.3 million in recurring funds from the General Revenue Fund in Fiscal Year 2016-2017. \$73.3 million is appropriated for the PLSA program and \$14 million is appropriated for the Standard Student Attire Incentive program. A total of \$8 million is appropriated for FPCTP, including \$1.5 million for the statewide coordinating center, \$3 million for startup and enhancement grants, and \$3.5 million for FPCTP scholarships.

The bill provides an effective date of July 1, 2016.

HB 719 by Rep. Spano relating to Educational Personnel

The bill revises several provisions related to education personnel. With respect to educator discipline, the bill:

- Revises the membership of the Education Practices Commission to include membership opportunities for school administrators employed by virtual schools; former charter school governing board members; and former district school superintendents, assistant superintendents, or deputy superintendents.
- Requires all commission members to be Florida residents and authorizes the appointment of emeritus members.
- Authorizes the Commissioner of Education to issue a letter of guidance to a certified educator upon finding that probable cause to prosecute a complaint does not exist.
- Authorizes the Department of Children and Families to disclose child abandonment, abuse, or neglect records to Department of Education (DOE) employees who investigate or prosecute misconduct by certified educators.

In addition, the bill eliminates the July 1, 2016, expiration date for the educator liability insurance program, which provides liability coverage for all full-time public school instructional personnel.

The bill also prohibits postsecondary educational institutions and school districts from requiring a student participating in a clinical field experience to purchase liability insurance as a condition of participation.

With respect to teacher recruitment, the bill authorizes, rather than requires, DOE to sponsor a centrally located job fair to help match educators with teaching opportunities in the state. The bill requires DOE to coordinate a best practice community to help school districts recruit and perform other human resources functions with up-to-date knowledge.

The bill also deletes obsolete State Board of Education rulemaking authority regarding certain teacher assignment requirements. The bill promotes effective school leadership by providing standards for approval of school leader preparation programs.

The bill takes effect on July 1, 2016.

SB 1038 by Sen. Simmons relating to Florida Statutes

The Division of Law Revision and Information of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies,

redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills. T

his is a general reviser's bill to delete expired or obsolete language; correct cross-references and grammatical or typographical errors; remove inconsistencies and redundancies from the statutes; improve the clarity of the statutes and facilitate their correct interpretation; and confirm the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process. A reviser's bill cannot be amended except to delete a bill section.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 27.7045, 39.0134, 39.701, 55.203, 101.56065, 110.12302, 112.0455, 112.362, 119.0712, 153.74, 159.02, 161.091, 163.3177, 166.271, 189.031, 200.001, 200.065, 200.068, 200.141, 212.08, 213.0532, 218.39, 220.63, 238.05, 255.041, 255.254, 259.032, 272.135, 288.012, 311.12, 316.3025, 333.07, 336.71, 343.1003, 366.95, 373.236, 373.4149, 373.41492, 379.3751, 380.510, 383.402, 395.1012, 400.0065, 400.0070, 400.0081, 400.0087, 400.022, 400.141, 403.5363, 408.301, 409.978, 415.113, 456.074, 458.3265, 459.0137, 468.503, 468.509, 468.513, 468.514, 468.515, 468.518, 480.041, 480.043, 497.159, 546.10, 553.74, 559.55, 559.555, 560.141, 561.42, 561.57, 605.0410, 610.1201, 617.01301, 618.221, 624.5105, 625.012, 631.152, 631.737, 641.225, 719.108, 742.14, 752.001, 765.105, 765.2038, 787.29, 893.138, 944.4731, 945.215, 1001.65, 1002.3105, 1003.21, 1003.5716, 1012.22, and 1012.341, F.S.; reenacts and amends s. 1008.22, F.S.; and repeals ss. 200.185 and 624.35, F.S.

Effective Date is on the 60th day after adjournment sine die of the session of the Legislature in which enacted

SB 7016 by Military and Veterans Affairs, Space, Domestic Security relating to Interstate Compact on Education Opportunity for Military Children

The bill reenacts provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children and provides for future legislative review and repeal of the compact on July 1, 2019.

The bill is effective upon becoming law.

Bills that have passed both House and Senate (Enrolled)

HB 183 by Rep. Adkins relating to Administrative Procedures

The bill passed the House on February 24, 2016, and subsequently passed the Senate on March 9, 2016.

The Administrative Procedure Act (APA) provides uniform procedures for the exercise of specified administrative authority. The bill amends provisions of the APA to enhance the opportunities for substantially affected parties to challenge rules. These changes include, but are not limited to:

- Revising rulemaking procedures based on petitions to initiate rulemaking alleging an unadopted rule;
- Expanding the listing of information that must be published on the Florida Administrative Register to include rules filed for adoption in the previous seven days and a listing of all rules filed for adoption but awaiting legislative ratification;
- Revising the pleading requirements and burden of going forward with evidence in challenges to proposed and unadopted rules;

- Clarifying which rule validity decisions may be appealed; and
- Requiring agencies to identify and certify all of the rules the violation of which would be a minor violation.

In addition, the bill specifies that administrative challenges to any proposed regulatory permits related to special events are subject to the APA's summary hearing procedures, with certain exceptions.

The bill may have an indeterminate but likely insignificant negative fiscal impact to the state. Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

HB 189 by Rep. Diaz (M) relating to Teacher Certification

An expert in the field who meets general educator certification requirements and holds a temporary certificate may immediately begin teaching in a classroom as the teacher of record. However, temporary certificates expire after three years and are nonrenewable. While serving as a classroom teacher, temporary certificate holders may pursue a professional educator certificate, which lasts for five years and is renewable, by completing at least 15 hours of additional coursework and participating in on-the-job training. This requirement applies even if the teacher has proven to be highly effective.

Temporary certificate holders with a master's degree or higher in STEM fields (science, technology, engineering, and mathematics), even if rated highly effective, must still complete at least 15 hours of additional coursework within three years to earn a professional certificate.

To make a professional certificate more attainable for individuals with expertise in STEM fields, the bill allows an individual to earn a professional certificate for grades 6 through 12 in a STEM subject without having to complete additional coursework if the individual:

- Meets the general certification requirements;
- Holds a master's or higher degree in the area of science, technology, engineering, or mathematics;
- Passes the subject area examination for the correlating certificate;
- Passes the professional education competency examination required by state board rule;
- Teaches a high school course in the subject of the advanced degree; and
- Is rated highly effective under the school district's performance evaluation system, based in part on student performance as measured by a statewide standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

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

The bill takes effect July 1, 2016.

HB 229 by Rep. Geller relating to Bully and Harassment Policies in Schools

In 2008, the Florida Legislature enacted the Jeffrey Johnston Stand Up for All Students Act, which prohibits the bullying or harassment of any public K-12 student or employee during a public K-12 education program or activity; during a school-related or school-sponsored program or activity; on a public K-12 school bus; or through a public K-12 computer, computer system, or computer network. The law also requires each school district to adopt a policy prohibiting bullying and harassment of a student or employee of a public K-12 educational institution.

The bill revises current law by requiring each district school board to review its anti-bullying and harassment policy every three years. The policy review must involve students, parents, teachers, administrators and other community stakeholders. Each district school board must also authorize a list of prevention programs that provide instruction to community stakeholders on how to identify and respond to bullying or harassment.

The bill also clarifies that there must be a procedure for receiving reports of alleged acts of bullying and harassment.

The bill makes each school principal responsible for implementing the district school board's bullying and harassment policy, prevention programs, and reporting procedures. 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, 2016.

HB 249 by Rep. Moskowitz relating to Culinary Education Programs

The Department of Business and Professional Regulation (DBPR) regulates public food service establishments through its Division of Hotels and Restaurants. It also oversees the issuance of licenses for the sale and service of alcoholic beverages in this state through its Division of Alcoholic Beverages and Tobacco (Division).

The bill amends the definition of "public food service establishment" to include a culinary education program that offers, prepares, serves, or sells food to the general public, making it subject to the regulation and oversight of the Division of Hotels and Restaurants. Under current law, a culinary education program is subject to the food safety and sanitation regulations of the Department of Health and will remain subject to its regulation, regardless of whether the culinary education program offers food for public consumption.

The bill defines a culinary education program as one that educates enrolled students in the culinary arts, including preparation, cooking, and presentation of food, or provides education and experience in culinary arts-related businesses. A culinary education program must be inspected by a state agency for compliance with sanitation standards and must be provided by a:

- State university;
- Florida College System institution;
- Career center as defined in s. 1001.44, F.S.;
- Charter technical career center as defined in s. 1002.34, F.S.;
- Nonprofit independent college or university that is located and chartered in this state, meets certain accreditation requirements, and is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program; or
- Nonpublic postsecondary educational institution licensed pursuant to part III of ch. 1005, F.S.

Current law requires a caterer seeking a license to sell or serve alcohol on the premises of events at which it provides prepared food to derive at least 51% of its gross receipts from the sale of food and nonalcoholic beverages. The bill authorizes the Division to issue a special license to a culinary education program licensed as a public food service establishment for the sale and service of alcoholic beverages on the licensed premises of the culinary education program. For a licensed culinary education program that also provides catering services, the

special license will allow it to sell or serve alcoholic beverages on the premises of events for which it provides prepared food, without meeting the requirement of deriving the majority of its gross receipts from the sale of food and nonalcoholic beverages.

The bill explicitly provides that the special license does not authorize the culinary education program to conduct any activities that would violate Florida's Beverage Law, including certain age restrictions, or local law. A culinary education program with a special license may not sell alcoholic beverages by the package for off-premise consumption.

The bill authorizes the DBPR to promulgate rules to administer the bill's provisions.

DBPR estimates that the bill will likely result in an increase of revenue of \$142,166 annually (\$112,840 in Alcoholic Beverages & Tobacco Trust Fund and \$29,326 in the Hotels and Restaurants Trust Fund). Additionally, DBPR indicates that any potential expenditure is insignificant and can be absorbed within current resources.

The bill provides an effective date of July 1, 2016.

HB 287 by Rep. Diaz (M) relating to Principal Autonomy Pilot Program Initiative

The bill establishes the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education to provide the principals of participating schools in participating school districts with increased autonomy and authority regarding allocation of resources and staffing. Participation is voluntary, but limited to the school districts of Broward, Duval, Jefferson, Madison, Palm Beach, Pinellas and Seminole Counties. School boards selected for participation in PAPPI are exempt from the K-20 Education Code and State Board of Education rules, with exceptions. Among other exemptions, the class size compliance calculation for participating schools is the school-level average, rather than the individual classroom level.

School districts seeking to participate in PAPPI must submit a principal autonomy proposal to the State Board of Education for approval. Among other things, the proposal must identify three schools that received at least two school grades of "D" or "F" during the previous three school years, describe the areas in which increased autonomy will be granted, and state measurable goals regarding student achievement and operational efficiency. The state board may select up to seven school districts for participation in PAPPI. The initial term of the program is three years.

The bill grants the principals of participating schools greater authority regarding staffing decisions, allocation of financial resources, and budgeting. Among other things, the principal of a participating school is granted greater authority to hire qualified instructional personnel or refuse placement or transfer of such personnel. Before participation in the program may begin, such principals must complete professional development designed to enable them to implement increased autonomy.

Participating school districts must guarantee participating schools at least 90 percent of the funds generated in the Florida Education Finance Program (FEFP) by that school. The current minimum guarantee is 80 percent of such funds. Participating school districts must annually report measures taken to implement the program and results achieved to the state board. The state board may revoke a district school board's authorization to participate if the school board fails to meet program requirements. The Commissioner of Education must submit a full evaluation of the program's effectiveness to the President of the Senate and the Speaker of the House of Representatives upon expiration of the initial three year term.

The bill provides an effective date of July 1, 2016.

HB 431 by Rep. Raburn relating to Fire Safety

The bill passed the House on February 24, 2016, and subsequently passed the Senate on March 7, 2016.

Florida's fire prevention and control law, ch. 633, F.S., designates the state's Chief Financial Officer as the State Fire Marshal, and requires the State Fire Marshal to adopt the Florida Fire Prevention Code (FFPC) by rule every three years. The FFPC sets forth firesafety standards (including certain national codes) for property and is enforced by local fire officials within each county, municipality, and special fire districts in the state.

Exemptions from the FFPC: Currently, a structure located on agricultural property is exempt from the FFPC if the occupancy is limited to 35 persons and is not used by the public for direct sales or as an educational outreach facility. Tents up to 30 feet by 30 feet are also exempt. Nonresidential farm buildings are currently exempt from the Florida Building Code and county and municipal codes, but not from the FFPC. The bill creates a new exemption from the FFPC and national codes for agricultural pole barns, which are nonresidential farm buildings in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress. In addition, the bill revises the two existing exemptions from the FFPC and national codes by restating the current exemption for tents to be up to 900 square feet, and revising the current exemption for structures located on agricultural property and limited to a maximum occupancy for 35 persons to exempt a "nonresidential farm building" with a maximum occupancy of 35 persons and removes the exclusion on use by the public for direct sales or as an educational outreach facility.

Farm Structures Used for Agritourism Activity: The bill provides that a structure on a farm (other than agricultural pole barns) which its owner uses for agritourism activity and for which the owner receives consideration must be classified into one of three classes, and requires the State Fire Marshal to adopt rules to implement these classifications, including alternative lifesafety and fire prevention standards for Class 1 and Class 2 structures. Additionally, the bill permits local fire officials to consider certain alternative national life safety approaches as a low-cost, reasonable alternative to minimum firesafety standards, with regard to existing buildings.

- Class 1: A nonresidential farm building used by the owner 12 times per year or fewer for agritourism activity with a maximum occupancy of 100 persons. These structures are subject to local inspection and State Fire Marshal rules, but are not subject to the FFPC.
- Class 2: A nonresidential farm building used by the owner for agritourism activity with a maximum occupancy of 300 persons. These structures are subject to local inspection and State Fire Marshal rules, but are not subject to the FFPC.
- Class 3: A structure used for the primary use of housing, sheltering, or accommodating the general public. Class 3 structures are subject to local inspection and the FFPC.

The bill has minimal to no fiscal impact on state government. The bill has an indeterminate fiscal impact on local governments by decreasing review fees due to broadened class of structures exempted the FFPC, but may be offset by the annual inspections of farm structures used for agritourism activity. The bill should have a positive fiscal impact on the private sector.

Subject to the Governor's veto powers, the bill has an effective date of July 1, 2016.

HB 535 by Rep. Eagle relating to Building Codes

In 1974, Florida adopted a state minimum building code law requiring all local governments to adopt and enforce a building code that would ensure minimum standards for public health and safety. Four separate model codes were available that local governments could consider and adopt. In that system, the state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes as they desired.

In 1996, a study commission was appointed to review the system of local codes and to make recommendations for modernizing the entire system. The 1998 Legislature adopted the study commission recommendations for a single state building code and an enhanced oversight role for the state in local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Code) and that first edition replaced all local codes on March 1, 2002. In 2004, for the second edition of the Code, the state adopted the International Code Council I-Codes. All subsequent Codes have been adopted utilizing the International Code Council I-Codes as the base code. The most recent Code is the fifth edition which is referred to as the 2014 Code. The 2014 Code went into effect June 30, 2015.

The Florida Building Commission (FBC) was statutorily created to implement the Code. The FBC, which is housed within the Department of Business and Professional Regulation, is a 27-member technical body responsible for the development, maintenance, and interpretation of the Code. Most substantive issues before the FBC are vetted through a workgroup process where consensus recommendations are developed and submitted by appointed representative stakeholder groups in an open process with several opportunities for public input. According to the FBC, through this participatory process, the members "strive for agreements which all of the members can accept, support, live with or agree not to oppose;" when the FBC finds that 100 percent acceptance or support is not achievable, "final decisions require at least 75 percent favorable vote of all members present and voting."

The bill makes the following changes to law:

- Makes several adjustments to the training and experience required to take the certification examinations for building code inspector, plans examiner, and building code administrator;
- Exempts employees of apartment communities with 100 or more units from contractor licensing requirements if making minor repairs to existing electric water heaters or existing electric heating, ventilation, and air conditioning (HVAC) systems, if they meet certain training and experience criteria and the repair involves parts costing under \$1,000;
- Allows Category I liquefied petroleum gas dealers, liquefied petroleum gas installers, and specialty installers to disconnect and reconnect water lines in the servicing or replacement of existing water heaters;
- Adds Division II contractors to the Florida Homeowners' Construction Recovery Fund section, which would allow homeowners to make a claim and receive restitution from the fund when they have been harmed by a Division II contractor, subject to certain requirements and financial caps;
- Exempts specific low-voltage landscape lighting from having to be installed by a licensed electrical contractor;
- Clarifies that portable pools that are used for swimming lessons that are sponsored or provided by school districts and temporary pools used in conjunction with a sanctioned national or international swimming or diving event are considered private pools and not subject to regulation;

- Provides that a residential pool that is equipped with a pool alarm that, when placed in the pool, will sound if it detects an accidental or unauthorized entrance into the water meets the safety requirements for residential pools;
- Creates the Calder Sloan Swimming Pool Electrical-Safety Task Force to study and report on specific standards, especially with regard to minimizing risks of electrocutions linked to swimming pools;
- Replaces a representative on the Accessibility Advisory Council for a defunct organization with the new organization;
- Revises the panels designated to review interpretations of the Florida Building Code and the Florida Accessibility Code for Building Construction;
- Provides funding for the recommendations made by the Building Code System Uniform Implementation Evaluation Workgroup and provides funding for Florida Fire Prevention Code informal interpretations;
- Allows local boards created to address conflicts between the Florida Building Code and the Florida Fire Prevention Code to combine to create a single local board that must include at least one fire professional;
- Requires the Florida Building Code to mandate having two fire service access elevators in all buildings above a certain height;
- Authorizes local building officials to issue phased permits for construction;
- Subjects certain building officials to discipline if they deny, revoke, or modify a specified permit without providing a reason for the denial, revocation, or modification;
- Requires a contractor and an alarm system monitoring company to provide notice to a property owner regarding the obligation to register their alarm system, if applicable;
- Provides that a contractor or an alarm system monitoring company is not liable for any penalties assessed or imposed by the applicable local government for failure to register the alarm, dispatch to an unregistered user, or excessive false alarms;
- Prohibits local enforcement agencies from requiring payment of any additional fees, charges, or expenses associated with providing proof of licensure as a contractor, recording a contractor license, or providing or recording evidence of workers' compensation insurance covered by a contractor;
- Excludes roof covering replacement and repair work associated with the prevention of degradation of the residence from the requirement to include the provision of opening protections in any activity requiring a building permit with a cost over \$50,000;
- Adds Underwriters Laboratories, LLC, and Intertek Testing Services NA, Inc., to the list of entities that are authorized to produce information on which product approvals are based, related to the Florida Building Code;
- Reinstates a wind mitigation exemption for professional engineer certification of HVAC units being installed;
- Exempts Wi-Fi smoke alarms and those that contain multiple sensors, such as those combined with carbon monoxide alarms, from the 10-year, nonremovable, nonreplaceable battery provision;
- Provides that the mandatory blower door testing for residential buildings or dwellings does not take effect until July 1, 2017, and does not apply to construction permitted before July 1, 2017;
- Requires the local enforcement agency to accept duct and air infiltration tests conducted in accordance with the Florida Building Code if performed by certain individuals;
- Adds provisions to the Fire Prevention Code to:

- Require new high-rise buildings to comply with minimum radio signal strength for fire department communications set by the local authority with jurisdiction. Existing high-rise buildings must comply by 2022 and existing apartment buildings must comply by 2025;
- Require areas of refuge to be provided when required by the Accessibility volume of the Florida Building Code;
- Authorize fire officials to use the Fire Safety Evaluation System to identify low-cost alternatives for compliance; and
- Require technicians that work on fire pump control panels and drivers to be under contract with a licensed fire protection contractor;
- Requires a restaurant, a cafeteria, or a similar dining facility, including an associated commercial kitchen, to have sprinklers only if it has a fire area occupancy load of over 200 patrons;
- Adds provisions to the Florida Building Code regarding fire separation distance and roof overhang projections;
- Creates the Construction Industry Task Force within the University of Florida Rinker School of Construction;
- Provides exceptions to the residential shower lining requirements in the Florida Building Code;
- Allows a specific energy rating index as an option for compliance with the Energy Conservation volume of the Florida Building Code;
- Requires the Florida Building Commission to continue its current adoption process of the 2015 International Energy Conservation Code and determine by October 1, 2016, whether onsite renewable power generation may be used for compliance and whether onsite renewable power generation may be used for a period longer than 3 years but not more than 6 consecutive years; and
- Effective July 1, 2017, requires counties and local enforcement agencies to post each type of building permit application on its website and allow for the submittal of completed applications to the appropriate building department.

If approved by the Governor, these provisions take effect July 1, 2016

HB 585 by Rep. Burgess relating to Instruction for Homebound and Hospitalized Students

Current law does not provide minimum requirements for initiating instructional services for homebound or hospitalized students who are determined to be eligible under State Board of Education rule.

Accordingly, the bill provides the state board express rulemaking authority regarding instruction for homebound and hospitalized students and clarifies that districts must provide instruction to eligible students in accordance with state board rule. The rules must establish, at minimum:

- Criteria for eligibility of K-12 homebound or hospitalized students for specially designed instruction.
- Procedures for determining student eligibility.
- A list of appropriate methods for providing instruction to homebound or hospitalized students.
- Requirements for initiating instructional services for a homebound or hospitalized student once the student is determined to be eligible.

The bill requires the school district in which a children's specialty hospital is located to provide educational instruction to an eligible student until it enters into an agreement with the student's school district of residence.

The bill requires the Department of Education to develop a standard agreement for use by school districts to provide seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

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

The bill provides an effective date of July 1, 2016.

HB 701 by Rep. Lee Jr. (L) relating to Art in the Capitol Competition

The bill creates the Art in the Capitol Competition for public, private and home education students in grades 6 through 8. Student submissions will be selected by a committee of art teachers whose students have not submitted artwork for consideration.

Each winning submission must be provided to the legislator of the legislative district in which the student resides no later than 60 days before the start of each regular session. The legislator will then provide the winning submission to the Department of Management Services which will arrange to have it displayed in the Capitol Building during the regular legislative session. Upon adjournment of the legislative session, the legislator shall return the winning submission to the student.

There is an indeterminate but likely insignificant fiscal impact to the state for the Department of Management Services to display artwork in the Capitol.

The bill is effective July 1, 2016.

HB 793 by Rep. O'Toole relating to Florida Bright Future Scholarship Program

The bill creates the Florida Gold Seal CAPE Scholars award as an alternative to the current Florida Gold Seal Vocational Scholars award. A student may qualify for the Florida Gold Seal CAPE Scholars award if he or she meets the general eligibility requirements for the Florida Bright Futures Scholarship program and earns a minimum of five postsecondary credits through CAPE industry certifications which articulate for college credit. The new scholarship allows for additional credit hours upon completion of a technical degree in certain instances.

The bill modifies the initial eligibility period for the Florida Bright Futures Scholarship Program for students who are unable to accept an award due to full-time religious or service obligations lasting at least 18 months. Eligible students can defer the 2-year initial award period and the 5-year renewal period until the student completes the religious or service obligation. The organization sponsoring the full-time religious or service obligation must be a federal government service organization or satisfy the Internal Revenue Code's requirements for nonprofit status.

The bill modifies student community service work requirements for the Florida Bright Futures Scholarship Program awards, including Florida Academic Scholars (FAS), Florida Medallion Scholars (FMS), Florida Gold Seal Vocational Scholars (FGSVS) awards, and adding the requirement for the newly created Florida Gold Seal CAPE Scholars award. The bill modifies the requirements by:

- Clarifying that community service work must be volunteer work and prohibits any student from receiving remuneration or academic credit for such work;
- Expanding volunteer service work areas to include a civic issue or a professional area of interest;
- Providing that volunteer work may include, but not be limited to, a business or government internship, employment with a nonprofit community service organization, or activity on behalf of a candidate for public office; and
- Establishing accountability requirements for student volunteer work that includes documentation in writing by the student, the student's parent, and a representative of the organization for which the student worked.

The number of community service hours required for each Bright Futures award remains unchanged.

The bill eliminates references to outdated eligibility requirements for the FAS and FMS awards, and removes the higher test score requirement for home education students whose parents cannot document a college-preparatory curriculum. Specifically, the bill provides that test score requirements are the same for students enrolled in home education programs as they are for all other high school students qualifying for the FMS award.

The bill provides an appropriation of \$66,468 in recurring funds from the Educational Enhancement Trust Fund for Fiscal Year 2016-2017 to pay for Bright Futures scholarships for eligible students in home education programs.

The bill takes effect upon becoming law.

[HB 837](#) by Rep. Bileca relating to John M. McKay Scholarships for Students with Disabilities Program

The John M. McKay Scholarship for Students with Disabilities Program (McKay Scholarship Program) provides scholarships for eligible students with disabilities to attend an eligible public or private school of their choice. Currently, a McKay Scholarship student must have direct contact with his or her private school teacher at the school's physical location in order to maintain eligibility. The bill authorizes a private school to establish a transition-to-work program for students participating in the McKay Scholarship Program which will allow students to earn credits while working off-site.

The bill exempts foster children from the prior school year attendance requirement for determining eligibility.

The bill clarifies that McKay Scholarship payments are not subject to the 1.0 FTE cap so that scholarship payments are not reduced when McKay recipients take virtual courses.

Recipients of the McKay Scholarship are reported for funding in the Florida Education Finance Program (FEFP). Funds are then transferred to a private school for payment of the student's scholarship.

The fiscal impact of the bill is \$226,511 to remove the proration to each student's scholarship. This impact will result in a redistribution of FEFP funds when the students receiving McKay scholarships are reported for funding.

The bill provides an effective date of July 1, 2016.

HB 1083 by Rep. Renner relating to Agency for Persons with Disabilities

Individuals with specified developmental disabilities who meet Medicaid eligibility requirements may receive services in the community through the state's Medicaid Home and Community-Based Services (HCBS) waiver (known as iBudget Florida), or in an institutional setting known as an Intermediate Care Facility for the Developmentally Disabled (ICF/DD). Currently, due to demand exceeding available funding, individuals with developmental disabilities who wish to receive iBudget Florida HCBS services administered by the Agency for Persons with Disabilities (APD) are placed on a wait list for services in priority categories of need, unless they are in a crisis.

The bill amends s. 393.065(5), F.S., to make permanent the FY 2015-16 implementing bill's temporary changes related to the waiver waiting list prioritization categories. The bill allows individuals with developmental disabilities needing both waiver and extended foster care child welfare services to be prioritized in Category 2 and, when enrolled on the waiver, to be served by both APD and communitybased care organizations. The bill permits waiver enrollment without first being placed on the waiting list for individuals who were on an HCBS waiver in another state and whose parent or guardian is an active-duty military servicemember transferred into the state. The bill provides that individuals remaining on the waiting list after other individuals are added are not substantially affected by agency action and not entitled to a hearing under s. 393.125, F.S., or administrative proceeding under chapter 120, F.S. and permits rulemaking to specify tools for prioritizing waiver enrollment within categories.

Additional changes the bill makes that were not in the FY 2015-16 implementing bill include adding additional individuals to Categories 3 and 5 and requiring APD to send a letter to individuals on the wait list requesting updated information. The bill allows increases in funding for waiver enrollees' services if they have a significant need for transportation to waiver-funded adult day training or employment services and have no other reasonable transportation options.

Section 393.067, F.S., requires APD to license comprehensive transitional education programs (CTEP's). The FY 2015-16 implementing bill amended s. 393.067, F.S., to remove a requirement that APD must contract for residential services with facilities licensed prior to October 1, 1989. The FY 2015-16 implementing bill also amended s. 393.18, F.S., to delete language restricting APD's ability to license new CTEP providers. These two provisions operated to create a monopoly for one provider, prior to the implementing bill. The amendments to these statutes will expire and revert to the original language on July 1, 2016. The bill repeals those expiration and reversion clauses, allowing the amended language of ss. 393.067 and 393.18, F.S., from Chapter 2015-222, Laws of Florida, to remain law.

Section 393.11, F.S., authorizes involuntary admission of persons with intellectual disabilities and autism that require residential services. However, a 2015 federal court ruling found that s. 393.11, F.S., is constitutionally infirm in not requiring periodic review of continued involuntary admission by a decision-maker with the duty to consider and authority to order release. CS/HB 1083 amends s. 393.11, F.S., to require such a review.

The bill requires contracted waiver services providers to use any APD data management systems to document service provision to APD clients and to have required hardware and software for doing so; they must also comply APD's requirements for provider staff training and professional development. ICF/DD's must also cooperate with agency staff conducting utilization reviews. CS/HB 1083 also adds Down syndrome to the definition of "developmental

disability.” Such individuals already are eligible for HCBS waiver services under that diagnosis and also may qualify for services due to intellectual disability.

The bill provides a \$623,200 nonrecurring appropriation from the General Revenue Fund to implement the provisions of the bill, which is contingent upon HB 919 failing to become law.

The bill takes effect July 1, 2016, except as otherwise provided in the bill.

HB 1147 by Rep. Latvala (C) relating to Character-development Instruction

Current law requires each school district to develop or adopt a curriculum for a K-12 character-development program and submit it to the department for approval. The curriculum must “stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty and personal property; honesty; charity; self-control; racial, ethnic, and religious tolerance; and cooperation”.

In addition to current instructional requirements, the bill requires character-development programs in high schools to include instruction on:

- Developing leadership skills, interpersonal skills, organization skills, and research skills;
- Creating a resume;
- Developing and practicing the skills necessary for employment interviews;
- Managing stress and expectations; and
- Developing skills that enable students to become more resilient and self-motivated.

School districts currently provide a variety of character-development programs for K-12 students. The specified requirements for high school students are not expected to have any fiscal impact on school districts.

The bill does not appear to affect the state or local governments.

The bill takes effect July 1, 2016.

HB 1157 by Rep. Raburn relating to Postsecondary Education for Veterans

Florida law allows eligible members of the United State Armed Forces to earn college credit at public postsecondary institutions for college-level training and education acquired in the military. The bill expands this benefit to include honorably discharged veterans.

The bill requires the Department of Education to include the Excelsior College subject examination, Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test, and Defense Language Proficiency Test (DLPT) on the list of acceleration mechanisms for which credit may be awarded.

The bill modifies an existing tuition waiver qualification requirement for eligible recipients of a Purple Heart, or superior combat decoration. The bill expands the tuition waiver to include any eligible recipient of a Purple Heart, or superior combat decoration, enrolled in an eligible postsecondary institution who currently is a Florida resident, or was a Florida resident at the time of the military action that resulted in the awarding of the Purple Heart or other superior combat decoration.

The bill also requires the Department of Education to include successful completion of a United State Defense Language Institute Foreign Language Center program or passing score on the

Defense Language Proficiency Test (DLPT) to the documentation an individual may provide to demonstrate mastery of subject area knowledge for purposes of meeting teacher certification requirements.

Increases in enrollment by students who qualify for this tuition waiver will require additional state funding in future years to cover these students' educational costs. The fiscal impact is indeterminate.

The bill is effective July 1, 2016.

HB 1365 by Rep. Rodrigues (R) relating to Competency-Based Education Pilot Program

The bill creates the Competency-Based Education Pilot Program within the Department of Education to provide an educational environment that allows students to progress based upon the mastery of concepts and skills. The bill authorizes the Commissioner of Education to waive State Board of Education rules relating to pupil progression and the awarding of credit. Applications to participate are limited to the P.K. Yonge Developmental Research School and the Lake, Palm Beach, and Pinellas County school districts.

The bill:

- Requires the Department of Education to develop an application;
 - Compile specific information related to student and staff schedules;
 - Provide participating schools with access to statewide standardized assessments; and
 - Provide an annual report to the Legislature.
- Specifies reporting requirements for purposes of the Florida Education Finance Program.
- Outlines minimum provisions that must be included in the application.

Because this program is voluntary, it is unknown if any of the four districts will participate, therefore the fiscal impact of this bill is indeterminate. The Department of Education will establish the application and meet the reporting requirements within existing resources.

The bill takes effect July 1, 2016

SB 1534 by Sen. Simmons relating to Housing Authority

The bill makes numerous changes to laws related to housing assistance, including housing for individuals and families who are homeless.

The bill:

- Amends the State Apartment Incentive Loan (SAIL) Program to:
 - Change how funds are made available to better reflect projected needs and demand for affordable housing for the specified tenant groups and counties based on population; and
 - Require rent controls on rental units financed through the SAIL program based on applicable income limitations established by the Florida Housing Finance Corporation (FHFC).
- Amends provisions relating to the State Office on Homelessness (office) and the Challenge Grant Program that provides grants to lead agencies of homeless assistance continuums of care, to:

- Require that expenditures of leveraged funds or resources are permitted only for eligible activities committed on one project which have not been used as leverage or match for another project;
- Remove the requirement that award levels for Challenge Grants be based upon the total population within the continuum of care catchment area and reflect the differing degrees of homelessness in the catchment planning areas;
- Require that Challenge Grant funds distributed to the lead agencies be based on overall performance and achievement of specified objectives, including the number of persons or households that are no longer homeless, the rate of recidivism to homelessness, and the number of persons who obtain gainful employment; and
- Clarify that the office may distribute appropriated funds to the 28 local homeless assistance continuums of care designated by the Department of Children and Families.
- Expresses legislative intent to encourage homeless continuums of care to adopt the Rapid ReHousing approach to preventing homelessness for individuals and families who do not require the intense level of support provided in the permanent supportive housing model and requires Rapid ReHousing to be added to the components of a continuum of care plan.
- Amends the State Housing Initiatives Partnership (SHIP) Programs to:
 - Provide exceptions to the restriction on counties and eligible municipalities related to expenditures of SHIP Program distributions for ongoing rent subsidies;
 - Provide that up to 25 percent of the SHIP Program funds made available in a county or municipality may be reserved for rental housing;
 - Clarify monitoring requirements when SHIP program funds are used for rental housing developments;
 - Revise the composition of local Affordable Housing Advisory Committees;
 - Extend the time period for the FHFC to review local housing assistance plans from 30 to 45 days;
 - Require local governments to use a minimum of 20 percent of SHIP program distributions to serve persons with special needs, with first priority given to serving persons with developmental disabilities; and
 - Authorize local governments to create regional partnerships and pool appropriated funds to address homeless housing needs identified in local housing assistance plans.
- Authorizes the FHFC to:
 - Forgive indebtedness for SAIL loans for small properties serving homeless persons in certain underserved counties or rural areas and make loans exceeding 25 percent of the cost for those projects; and
 - Ban developers for misrepresentations or fraud related to a program application from participating in FHFC's programs for any appropriate time period, including a permanent ban, rather than for only up to two years.
- Requires the FHFC to reserve a minimum of five percent of the annual appropriation from the State Housing Trust Fund for housing projects designed and constructed to serve persons with a disabling condition, with first priority given to projects serving persons with a developmental disability.
- Expresses legislative intent to encourage the state entity that administers funds from the National Housing Trust Fund to propose an allocation plan that includes strategies to reduce homelessness and the risk of homelessness in Florida.
- Makes several changes to laws relating to housing authorities, which include:

- Prohibiting housing authorities, regardless of when they were created, from applying to the federal government to acquire through the exercise of the power of eminent domain any projects, units, or vouchers of another established housing authority;
- Exempting housing authorities from the provisions of s. 215.425, F.S., which addresses extra compensation, bonuses and severance pay; and
- Removing the requirement that housing authorities must submit a copy of the biennial financial reports submitted to the federal government to the governing body and the Auditor General.

The bill has an indeterminate, but expected insignificant, fiscal impact on state and local governments. While programs that provide services to homeless persons may receive additional resources, the private sector impact of the bill is indeterminate.

The bill has an effective date of July 1, 2016.

HB 7019 by Higher Education & Workforce Subcommittee relating to Postsecondary Access and Affordability

Promotes college affordability by:

- Requiring public postsecondary institutions to publicly notice any proposal to increase tuition or fees at least 28 days prior to consideration by the board of trustees.
- Eliminating the ability for state universities to seek approval from the Board of Governors (BOG) for an increase in the tuition differential fee.
- Clarifying that preeminent universities may increase the tuition differential by no more than 6 percent only if they meet specific performance benchmarks established by the BOG.
- Removing the requirement that seventy percent of revenues generated by the tuition differential fee be spent on undergraduate education.
- Removing the authority for the BOG to delegate the establishment of tuition for graduate and professional programs and out-of-state fees to the university boards of trustees.
- Requiring the SBE and the BOG to annually identify strategies and initiatives to promote college affordability (including the impact of tuition and fees, financial aid policies, and textbook costs) and submit an annual report to the Governor, Senate President, and Speaker of the House of Representatives.
- Enhancing the current textbook affordability law to provide students with sufficient time and information to seek out the lowest available prices by:
 - Authorizing state university and Florida College System institution boards of trustees to adopt policies that allow innovative pricing techniques and payment options for digital textbooks and instructional materials. The bill requires an opt-out provision for students and stipulates that policies may only be adopted if there is documented evidence of cost savings;
 - Requiring public postsecondary institutions to conduct cost benefit analyses and report annually to chancellors on implementation of textbook affordability policies;
 - Requiring chancellors to summarize institutional reports and submit a summary to SBE and BOG respectively; and
 - Requiring public postsecondary institution boards of trustees to report, by semester, the cost variance among sections and length of time textbooks and other materials are in use for all general education courses. This provision expires July 1, 2018.

The bill may result in significant cost savings to students if institution boards of trustees adopt policies that allow for innovative pricing techniques and payment options for digital textbooks and instructional materials. The bill will also result in lower revenues for state universities due to the removal of the ability for universities to seek approval from the BOG for an increase in the tuition differential fee.

The bill has an effective date of July 1, 2016.

SB 7028 by Governmental Oversight and Accountability relating to State Board of Administration

The bill deletes one of the conditions that trigger the expiration of the State Board of Administration's (SBA) duty to scrutinize companies and to assemble the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. The SBA will no longer be required to consider declarations from the United States Congress or the President via legislation, executive order, or written certification from the President to Congress, that mandatory divestment of companies with scrutinized business operations in Iran interfere with the conduct of U.S. foreign policy. The State Board of Administration must monitor certain events and report occurrence of these events to its trustees.

The bill clarifies the duties of the State Board of Administration relating to:

- The creation and maintenance of the various lists of scrutinized companies;
- The divestment of certain investments relating to those scrutinized companies; and
- The reporting of the various lists of scrutinized companies and specified criteria of the Florida Retirement System.

The fiscal impact on state government is indeterminate. The bill takes effect on July 1, 2016.

HB 7029 by Choice & Innovation Subcommittee relating to School Choice *See Attached Enrolled Summary Chart*

HB 7053 by Education Committee relating to Child Care and Development Block Grant Program

Florida's Office of Early Learning (OEL) administers the Child Care and Development Fund (CCDF) and provides state-level administration for the school readiness program. On November 19, 2014, the Child Care and Development Block Grant (CCDBG) Act of 2014 was signed into law reauthorizing the CCDF for the first time since 1996. The new law requires that parents and the general public be provided better information about available child care choices and establishes health and safety requirements for school readiness program providers.

The bill implements the requirements of the Child Care and Development Block Grant (CCDBG) Act by:

- Increasing public information on, and background screening of, child care providers;
- Aligning eligibility requirements with the grant;
- Requiring inspection of, and standards for emergency preparedness plans for, school readiness program providers; and
- Requiring pre-service and in-service training for personnel of School Readiness program providers.

Failure to adopt this bill will result in the loss of the state's drawdown of the 2015 federal dollars in the CCDBG which is estimated to be \$273,745,303. To implement the Federal requirements

of the reauthorized grant will require \$614,755 of budget authority for personnel resources to perform the additional licensure, background screening, and public awareness requirements. The budget authority is being provided in the House proposed General Appropriations Act for Fiscal Year 2016-2017.

This bill takes effect July 1, 2016

HB 7071 by Rules, Calendar, and Ethics Committee relating to Public Corruption

Chapter 838, F.S., establishes a number of criminal offenses related to public officials or employees and the performance of their official duties, including bribery, unlawful compensation for official behavior, official misconduct, and bid tampering. In order to be convicted of an offense under ch. 838, F.S., one must act “corruptly” or “with corrupt intent,” which is defined as “acting knowingly and dishonestly for a wrongful purpose.”

The offenses defined in ch. 838, F.S., only apply to the following persons and those who solicit such persons:

- Any officer or employee of a state, county, municipal, or special district agency or entity;
- Any legislative or judicial officer or employee;
- Any person, except a witness, who acts as a general or special magistrate, receiver, auditor, arbitrator, umpire, referee, consultant, or hearing officer while performing a governmental function; or
- A candidate for election or appointment to any of the positions listed in this subsection, or an individual who has been elected to, but has yet to officially assume the responsibilities of, public office.

The bill expands the applicability of offenses in ch. 838, F.S., to officers and employees of a public entity created or authorized by law. Also, the bill makes public contractors eligible for prosecution of official misconduct. The bill defines public contractors as any person, or any officer or employee of a person, who has entered into a contract with a governmental entity. Additionally, the bill widens the scope of bid tampering to include public servants and public contractors who have contracted with a governmental entity to assist in a competitive procurement.

The bill also revises the level of intent for offenses under ch. 838, F.S., from “corruptly” or “with corrupt intent” to “knowingly and intentionally.”

Furthermore, the bill provides that public servants and public contractors may be reimbursed in the same manner as provided by common law for any attorney’s fees incurred defending public corruption charges.

The bill does not appear to have a fiscal impact on local governments. The bill may have an indeterminate prison bed impact on the Department of Corrections.

The bill is effective October 1, 2016.

Bills that Died

HB 7021 / SB 1068 relating to Education (Reading Bill)

HJR 539 / SJR 734 relating to School Districts and School Boards

HJR 759 / SJR 976 relating to Statewide Charter School Authorizer

HB 791 / SB 1100 relating to Local Tax Referenda

HB 833 / SB 1002 relating to Public School Recess
HB 873 relating to Education Funding (Charter School Capital Funding – 1.5 Mills)
SB 1418 relating to Supplemental Academic Instruction
HB 7085 / SB 408 relating to Juvenile Civil Citation and Similar Diversion Programs

The 2016 regular Legislative Session has concluded. For final budget and bill information go to the House website – www.myfloridahouse.gov or the Senate website – www.flsenate.gov.

I hope you find this information to be helpful. Please do not hesitate to contact me if you have any questions.

Best regards,

Scott

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