



K – 20 Competitiveness Subcommittee

Tuesday, March 29, 2011

12:00 PM – 3:00 PM

17 - HOB

Meeting Packet

**Dean Cannon
Speaker**

**Erik Fresen
Chair**



AGENDA

K-20 Competitiveness Subcommittee

March 29, 2011

12:00 p.m. – 3:00 p.m.

Morris Hall – 17 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following bill:
 - HB 331 Firesafety by Rep. Weinstein
- IV. Consideration of the following proposed committee bill:
 - PCB KCOS 11-03-- Florida College System
- V. Workshop – HB 255 Parental Involvement and Accountability in the Public Schools by Rep. Stargel
- VI. Closing Remarks and Adjournment

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29 Prevention Code; specifying that site plans are not
 30 subject to local ordinances or local amendments to the
 31 Florida Fire Prevention Code; providing criteria for
 32 approving site plans and correcting firesafety compliance
 33 deficiencies; providing for referral of disputes to the
 34 State Fire Marshal; authorizing such boards to use certain
 35 firesafety inspectors for certain compliance reviews;
 36 imposing additional requirements for such boards relating
 37 to construction, renovation, or remodeling of educational
 38 facilities; providing an effective date.

39
 40 Be It Enacted by the Legislature of the State of Florida:

41
 42 Section 1. Subsection (7) of section 633.01, Florida
 43 Statutes, is amended to read:

44 633.01 State Fire Marshal; powers and duties; rules.—

45 (7) The State Fire Marshal, in consultation with the
 46 Department of Education, shall adopt and administer rules
 47 prescribing standards for the safety and health of occupants of
 48 educational and ancillary facilities pursuant to ss. 633.022,
 49 1013.12, 1013.37, and 1013.371. In addition, in any county that
 50 does not employ or appoint a firesafety inspector certified
 51 under s. 633.081 ~~local fire official~~, the State Fire Marshal
 52 shall assume the duties of the local county, municipality, or
 53 independent special fire control district as defined in s.
 54 191.003 ~~fire official~~ with respect to firesafety inspections of
 55 educational property required under s. 1013.12(3)(b), and the
 56 State Fire Marshal may take necessary corrective action as

57 | authorized under s. 1013.12(7)~~(6)~~.

58 | Section 2. Subsection (11) of section 633.021, Florida
59 | Statutes, is amended to read:

60 | 633.021 Definitions.—As used in this chapter:

61 | (11) A "firesafety inspector" is an individual certified
62 | by the State Fire Marshal under s. 633.081 who is officially
63 | assigned the duties of conducting firesafety inspections of
64 | buildings and facilities on a recurring or regular basis ~~on~~
65 | ~~behalf of the state or any county, municipality, or special~~
66 | ~~district with firesafety responsibilities.~~

67 | Section 3. Section 633.081, Florida Statutes, is amended
68 | to read:

69 | 633.081 Inspection of buildings and equipment; orders;
70 | firesafety inspection training requirements; certification;
71 | disciplinary action.—The State Fire Marshal and her or his
72 | agents shall, at any reasonable hour, when the State Fire
73 | Marshal has reasonable cause to believe that a violation of this
74 | chapter or s. 509.215, or a rule promulgated thereunder, or a
75 | minimum firesafety code adopted by the State Fire Marshal or a
76 | local authority, may exist, inspect any and all buildings and
77 | structures which are subject to the requirements of this chapter
78 | or s. 509.215 and rules promulgated thereunder. The authority to
79 | inspect shall extend to all equipment, vehicles, and chemicals
80 | which are located on or within the premises of any such building
81 | or structure.

82 | (1) Each county, municipality, and special district that
83 | has firesafety enforcement responsibilities shall employ or
84 | contract with a firesafety inspector. Except as provided in s.

85 | 633.082(2), the firesafety inspector must conduct all firesafety
 86 | inspections that are required by law. The governing body of a
 87 | county, municipality, or special district that has firesafety
 88 | enforcement responsibilities may provide a schedule of fees to
 89 | pay only the costs of inspections conducted pursuant to this
 90 | subsection and related administrative expenses. Two or more
 91 | counties, municipalities, or special districts that have
 92 | firesafety enforcement responsibilities may jointly employ or
 93 | contract with a firesafety inspector.

94 | (2) Except as provided in s. 633.082(2), every firesafety
 95 | inspection conducted pursuant to state or local firesafety
 96 | requirements shall be by a person certified as having met the
 97 | inspection training requirements set by the State Fire Marshal.
 98 | Such person shall:

99 | (a) Be a high school graduate or the equivalent as
 100 | determined by the department;

101 | (b) Not have been found guilty of, or having pleaded
 102 | guilty or nolo contendere to, a felony or a crime punishable by
 103 | imprisonment of 1 year or more under the law of the United
 104 | States, or of any state thereof, which involves moral turpitude,
 105 | without regard to whether a judgment of conviction has been
 106 | entered by the court having jurisdiction of such cases;

107 | (c) Have her or his fingerprints on file with the
 108 | department or with an agency designated by the department;

109 | (d) Have good moral character as determined by the
 110 | department;

111 | (e) Be at least 18 years of age;

112 | (f) Have satisfactorily completed the firesafety inspector

113 certification examination as prescribed by the department; and
 114 (g)1. Have satisfactorily completed, as determined by the
 115 department, a firesafety inspector training program of not less
 116 than 200 hours established by the department and administered by
 117 agencies and institutions approved by the department for the
 118 purpose of providing basic certification training for firesafety
 119 inspectors; or

120 2. Have received in another state training which is
 121 determined by the department to be at least equivalent to that
 122 required by the department for approved firesafety inspector
 123 education and training programs in this state.

124 (3) (a)1. Effective July 1, 2013, the classification of
 125 special state firesafety inspector is abolished and all special
 126 state firesafety inspector certifications shall expire at
 127 midnight June 30, 2013.

128 2. Any person who is a special state firesafety inspector
 129 on June 30, 2013, and who has failed to comply with paragraph
 130 (b) or paragraph (c) may not perform any firesafety inspection
 131 required by law.

132 3. A special state firesafety inspector certificate may
 133 not be issued after June 30, 2011.

134 (b)1. Any person who is a special state firesafety
 135 inspector on July 1, 2011, and who has at least 5 years of
 136 experience as a special state firesafety inspector as of July 1,
 137 2011, may take the firesafety inspection examination as provided
 138 in paragraph (2) (f) for firesafety inspectors before July 1,
 139 2013, to be certified as a firesafety inspector under this
 140 section.

141 2. Upon passing the examination, the person shall be
 142 certified as a firesafety inspector as provided in this section.

143 3. A person who fails to become certified must comply with
 144 paragraph (c) to be certified as a firesafety inspector under
 145 this section.

146 (c)1. To be certified as a firesafety inspector under this
 147 section, any person who:

148 a. Is a special state firesafety inspector on July 1,
 149 2011, and who does not have 5 years of experience as a special
 150 state firesafety inspector as of July 1, 2011; or

151 b. Has 5 years of experience as a special state firesafety
 152 inspector but has failed the examination taken as provided in
 153 paragraph (2) (f),

154
 155 must take an additional 80 hours of the courses described in
 156 paragraph (2) (g).

157 2. After successfully completing the courses described in
 158 this paragraph, such person may take the firesafety inspection
 159 examination as provided in paragraph (2) (f), if such examination
 160 is taken before July 1, 2013.

161 3. Upon passing the examination, the person shall be
 162 certified as a firesafety inspector as provided in this section.

163 4. A person who fails the course of study or the
 164 examination described in this paragraph may not perform any
 165 firesafety inspection required by law on or after July 1, 2013.
 166 ~~Each special state firesafety inspection which is required by~~
 167 ~~law and is conducted by or on behalf of an agency of the state~~
 168 ~~must be performed by an individual who has met the provision of~~

169 ~~subsection (2), except that the duration of the training program~~
 170 ~~shall not exceed 120 hours of specific training for the type of~~
 171 ~~property that such special state firesafety inspectors are~~
 172 ~~assigned to inspect.~~

173 (4) A firefighter certified pursuant to s. 633.35 may
 174 conduct firesafety inspections, under the supervision of a
 175 certified firesafety inspector, while on duty as a member of a
 176 fire department company conducting inservice firesafety
 177 inspections without being certified as a firesafety inspector,
 178 if such firefighter has satisfactorily completed an inservice
 179 fire department company inspector training program of at least
 180 24 hours' duration as provided by rule of the department.

181 (5) Every firesafety inspector ~~or special state firesafety~~
 182 ~~inspector~~ certificate is valid for a period of 3 years from the
 183 date of issuance. Renewal of certification is ~~shall be~~ subject
 184 to the affected person's completing proper application for
 185 renewal and meeting all of the requirements for renewal as
 186 established under this chapter or by rule adopted under this
 187 chapter promulgated thereunder, which shall include completion
 188 of at least 40 hours during the preceding 3-year period of
 189 continuing education as required by the rule of the department
 190 or, in lieu thereof, successful passage of an examination as
 191 established by the department.

192 (6) The State Fire Marshal may deny, refuse to renew,
 193 suspend, or revoke the certificate of a firesafety inspector ~~or~~
 194 ~~special state firesafety inspector~~ if the State Fire Marshal ~~it~~
 195 finds that any of the following grounds exist:

196 (a) Any cause for which issuance of a certificate could

197 | have been refused had it then existed and been known to the
 198 | State Fire Marshal.

199 | (b) Violation of this chapter or any rule or order of the
 200 | State Fire Marshal.

201 | (c) Falsification of records relating to the certificate.

202 | (d) Having been found guilty of or having pleaded guilty
 203 | or nolo contendere to a felony, whether or not a judgment of
 204 | conviction has been entered.

205 | (e) Failure to meet any of the renewal requirements.

206 | (f) Having been convicted of a crime in any jurisdiction
 207 | which directly relates to the practice of fire code inspection,
 208 | plan review, or administration.

209 | (g) Making or filing a report or record that the
 210 | certificateholder knows to be false, or knowingly inducing
 211 | another to file a false report or record, or knowingly failing
 212 | to file a report or record required by state or local law, or
 213 | knowingly impeding or obstructing such filing, or knowingly
 214 | inducing another person to impede or obstruct such filing.

215 | (h) Failing to properly enforce applicable fire codes or
 216 | permit requirements within this state which the
 217 | certificateholder knows are applicable by committing willful
 218 | misconduct, gross negligence, gross misconduct, repeated
 219 | negligence, or negligence resulting in a significant danger to
 220 | life or property.

221 | (i) Accepting labor, services, or materials at no charge
 222 | or at a noncompetitive rate from any person who performs work
 223 | that is under the enforcement authority of the certificateholder
 224 | and who is not an immediate family member of the

225 certificateholder. For the purpose of this paragraph, the term
 226 "immediate family member" means a spouse, child, parent,
 227 sibling, grandparent, aunt, uncle, or first cousin of the person
 228 or the person's spouse or any person who resides in the primary
 229 residence of the certificateholder.

230 (7) The Division of State Fire Marshal and the Florida
 231 Building Code Administrators and Inspectors Board, established
 232 pursuant to s. 468.605, shall enter into a reciprocity agreement
 233 to facilitate joint recognition of continuing education
 234 recertification hours for certificateholders licensed under s.
 235 468.609 and firesafety inspectors certified under subsection
 236 (2).

237 (8) The State Fire Marshal shall develop by rule an
 238 advanced training and certification program for firesafety
 239 inspectors having fire code management responsibilities. The
 240 program must be consistent with the appropriate provisions of
 241 NFPA 1037, or similar standards adopted by the division, and
 242 establish minimum training, education, and experience levels for
 243 firesafety inspectors having fire code management
 244 responsibilities.

245 (9) The department shall provide by rule for the
 246 certification of firesafety inspectors.

247 Section 4. Section 1013.12, Florida Statutes, is amended
 248 to read:

249 1013.12 Casualty, safety, sanitation, and firesafety
 250 standards and inspection of property.—

251 (1) FIRESAFETY.—The State Board of Education shall adopt
 252 and administer rules prescribing standards for the safety and

253 health of occupants of educational and ancillary plants as a
 254 part of State Requirements for Educational Facilities or the
 255 Florida Building Code for educational facilities construction as
 256 provided in s. 1013.37, except that the State Fire Marshal in
 257 consultation with the Department of Education shall adopt
 258 uniform firesafety standards for educational and ancillary
 259 plants and educational facilities, as provided in s.
 260 633.022(1)(b), and a firesafety evaluation system to be used as
 261 an alternate firesafety inspection standard for existing
 262 educational and ancillary plants and educational facilities. The
 263 uniform firesafety standards and the alternate firesafety
 264 evaluation system shall be administered and enforced by ~~local~~
 265 fire officials certified by the State Fire Marshal under s.
 266 633.081. These standards must be used by all public agencies
 267 when inspecting public educational and ancillary plants, and the
 268 firesafety standards must be used by county, municipal, or
 269 independent special ~~local~~ fire control district inspectors
 270 ~~officials~~ when performing firesafety inspections of public
 271 educational and ancillary plants and educational facilities. In
 272 accordance with such standards, each board shall prescribe
 273 policies and procedures establishing a comprehensive program of
 274 safety and sanitation for the protection of occupants of public
 275 educational and ancillary plants. Such policies must contain
 276 procedures for periodic inspections as prescribed in this
 277 section or chapter 633 and for withdrawal of any educational and
 278 ancillary plant, or portion thereof, from use until unsafe or
 279 unsanitary conditions are corrected or removed.

280 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL

281 BOARDS.—

282 (a) Each board shall provide for periodic inspection,
 283 other than firesafety inspection, of each educational and
 284 ancillary plant at least once during each fiscal year to
 285 determine compliance with standards of sanitation and casualty
 286 safety prescribed in the rules of the State Board of Education.

287 (b) Each school cafeteria must post in a visible location
 288 and on the school website the school's semiannual sanitation
 289 certificate and a copy of its most recent sanitation inspection
 290 report.

291 (c) Under the direction of the fire official appointed by
 292 the board under s. 1013.371(2), firesafety inspections of each
 293 educational and ancillary plant located on property owned or
 294 leased by the board, or other educational facilities operated by
 295 the board, must be made no sooner than 1 year after issuance of
 296 a certificate of occupancy and annually thereafter. Such
 297 inspections shall be made by persons certified by the Division
 298 of State Fire Marshal under s. 633.081 to ~~be eligible to~~ conduct
 299 firesafety inspections in public educational and ancillary
 300 plants. The board shall submit a copy of the firesafety
 301 inspection report to the county, municipality, or independent
 302 special fire control district providing fire protection services
 303 to the school facility within 10 business days after the date of
 304 the inspection. Alternate schedules for delivery of reports may
 305 be agreed upon between the school district and the county,
 306 municipality, or independent special fire control district
 307 providing fire protection services to the site in cases in which
 308 delivery is impossible due to hurricanes or other natural

309 | disasters. Regardless, if immediate life-threatening
 310 | deficiencies are noted in the report, the report shall be
 311 | delivered immediately ~~State Fire Marshal and, if there is a~~
 312 | ~~local fire official who conducts firesafety inspections, to the~~
 313 | ~~local fire official.~~ In addition, the board and any other
 314 | authority conducting the fire safety inspection shall certify to
 315 | the State Fire Marshal that the annual inspection has been
 316 | completed. The certification shall be made electronically or by
 317 | such other means as directed by the State Fire Marshal.

318 | (d) In each firesafety inspection report, the board shall
 319 | include a plan of action and a schedule for the correction of
 320 | each deficiency ~~which have been formulated in consultation with~~
 321 | ~~the local fire control authority.~~ If immediate life-threatening
 322 | deficiencies are noted in any inspection, the board shall ~~either~~
 323 | take action to promptly correct the deficiencies or withdraw the
 324 | educational or ancillary plant from use until such time as the
 325 | deficiencies are corrected.

326 | (3) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
 327 | AGENCIES.-

328 | (a) A safety or sanitation inspection of any educational
 329 | or ancillary plant may be made at any time by the Department of
 330 | Education or any other state or local agency authorized or
 331 | required to conduct such inspections by either general or
 332 | special law. Each agency conducting inspections shall use the
 333 | standards adopted by the Commissioner of Education in lieu of,
 334 | and to the exclusion of, any other inspection standards
 335 | prescribed either by statute or administrative rule. The agency
 336 | shall submit a copy of the inspection report to the board.

337 (b) One firesafety inspection of each educational or
 338 ancillary plant located on the property owned or leased by the
 339 board, or other educational or ancillary plants operated by the
 340 school board, and each public college may ~~must~~ be conducted no
 341 sooner than 1 year after the issuance of the certificate of
 342 occupancy and annually thereafter ~~each fiscal year~~ by the
 343 county, municipality, or independent special fire control
 344 district in which the plant is located using the standards
 345 adopted by the State Fire Marshal. The board or public college
 346 shall cooperate with the inspecting authority when a firesafety
 347 inspection is made by a governmental authority under this
 348 paragraph.

349 (c) In each firesafety inspection report prepared pursuant
 350 to this subsection, the county, municipality, or independent
 351 special ~~local~~ fire control district, ~~official~~ in conjunction
 352 with the board, shall include a plan of action and a schedule
 353 for the correction of each deficiency. If immediate life-
 354 threatening deficiencies are noted in any inspection, the local
 355 county, municipality, or independent special fire control
 356 district, in conjunction with the fire official appointed by the
 357 board, shall ~~either~~ take action to require the board to promptly
 358 correct the deficiencies or withdraw the educational or
 359 ancillary plant facility from use until the deficiencies are
 360 corrected, subject to review by the State Fire Marshal who shall
 361 act within 10 days to ensure that the deficiencies are corrected
 362 or withdraw the plant facility from use.

363 (4) CORRECTIVE ACTION; DEFICIENCIES OTHER THAN FIRESAFETY
 364 DEFICIENCIES.—Upon failure of the board to take corrective

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365 | action within a reasonable time, the agency making the
366 | inspection, other than a local fire official, may request the
367 | commissioner to:

368 | (a) Order that appropriate action be taken to correct all
369 | deficiencies in accordance with a schedule determined jointly by
370 | the inspecting authority and the board; in developing the
371 | schedule, consideration must be given to the seriousness of the
372 | deficiencies and the ability of the board to obtain the
373 | necessary funds; or

374 | (b) After 30 calendar days' notice to the board, order all
375 | or a portion of the educational or ancillary plant withdrawn
376 | from use until the deficiencies are corrected.

377 | (5) INSPECTIONS OF CHARTER SCHOOLS NOT LOCATED ON BOARD-
378 | OWNED OR LEASED PROPERTY OR OTHERWISE OPERATED BY A SCHOOL
379 | BOARD.—

380 | (a) A safety or sanitation inspection of any educational
381 | or ancillary plant may be made at any time by a state or local
382 | agency authorized or required to conduct such inspections by
383 | general or special law. The agency shall submit a copy of the
384 | inspection report to the charter school sponsor.

385 | (b) One firesafety inspection of each charter school that
386 | is not located in facilities owned or leased by the board or a
387 | public college must be conducted each fiscal year by the county,
388 | municipality, or independent special fire control district in
389 | which the charter school is located using the standards adopted
390 | by the State Fire Marshal. Upon request, the inspecting
391 | authority shall provide a copy of each firesafety report to the
392 | board in the district in which the facility is located.

393 (c) In each firesafety inspection report and formulated in
 394 consultation with the charter school, the inspecting authority
 395 shall include a plan of action and a schedule for the correction
 396 of each deficiency. If any immediate life-threatening deficiency
 397 is noted in any inspection, the inspecting authority shall take
 398 action to require the charter school to promptly correct each
 399 deficiency or withdraw the educational or ancillary plant from
 400 use until such time as all deficiencies are corrected.

401 (d) If the charter school fails to take corrective action
 402 within the period designated in the plan of action to correct
 403 any firesafety deficiency noted under paragraph (c), the county,
 404 municipality, or independent special fire control district shall
 405 immediately report the deficiency to the State Fire Marshal and
 406 the charter school sponsor. The State Fire Marshal has
 407 enforcement authority with respect to charter school educational
 408 and ancillary plants and educational facilities as provided in
 409 chapter 633 for any building or structure.

410 (6)-(5) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
 411 FACILITIES.-

412 (a) Firesafety inspections of public ~~community~~ college
 413 facilities, including charter schools located on board-owned or
 414 board-leased facilities or otherwise operated by public college
 415 boards, shall be made in accordance ~~comply~~ with the Florida Fire
 416 Prevention Code, as adopted by the State Fire Marshal.
 417 Notwithstanding s. 633.0215, provisions of the code relating to
 418 inspections of such facilities are not subject to any local
 419 amendments as provided by s. 1013.371. Each public college
 420 facility shall be inspected annually by persons certified under

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421 | s. 633.081 Board of Education rules.

422 | (b) After each required firesafety inspection, the
 423 | inspecting authority shall develop a plan of action to correct
 424 | each deficiency identified. The public college shall provide a
 425 | copy of each firesafety inspection report to the county,
 426 | municipality, or independent special fire control district in
 427 | which the facility is located.

428 | (c)(b) Firesafety inspections of state universities shall
 429 | comply with the Florida Fire Prevention Code, as adopted by the
 430 | State Fire Marshal under s. 633.0215 regulations of the Board of
 431 | Governors.

432 | (7)(6) CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.—If a
 433 | school Upon failure of the board, public college board, or
 434 | charter school fails to correct any firesafety deficiency noted
 435 | under this section take corrective action within the time
 436 | designated in the plan of action to correct any firesafety
 437 | deficiency noted under paragraph (2)(d) or paragraph (3)(c), the
 438 | inspecting authority local fire official shall immediately
 439 | report the deficiency to the State Fire Marshal, who ~~has~~ shall
 440 | have enforcement authority with respect to educational and
 441 | ancillary plants and educational facilities as provided in
 442 | chapter 633 for any other building or structure.

443 | (8)(7) ADDITIONAL STANDARDS.—In addition to any other
 444 | rules adopted under this section or s. 633.022, the State Fire
 445 | Marshal in consultation with the Department of Education shall
 446 | adopt and administer rules prescribing the following standards
 447 | for the safety and health of occupants of educational and
 448 | ancillary plants:

449 (a) The designation of serious life-safety hazards,
 450 including, but not limited to, nonfunctional fire alarm systems,
 451 nonfunctional fire sprinkler systems, doors with padlocks or
 452 other locks or devices that preclude egress at any time,
 453 inadequate exits, hazardous electrical system conditions,
 454 potential structural failure, and storage conditions that create
 455 a fire hazard.

456 (b) The proper placement of functional smoke and heat
 457 detectors and accessible, unexpired fire extinguishers.

458 (c) The maintenance of fire doors without doorstops or
 459 wedges improperly holding them open.

460 ~~(8) ANNUAL REPORT. The State Fire Marshal shall publish an~~
 461 ~~annual report to be filed with the substantive committees of the~~
 462 ~~state House of Representatives and Senate having jurisdiction~~
 463 ~~over education, the Commissioner of Education or his or her~~
 464 ~~successor, the State Board of Education, the Board of Governors,~~
 465 ~~and the Governor documenting the status of each board's~~
 466 ~~firesafety program, including the improvement or lack thereof.~~

467 Section 5. Paragraph (a) of subsection (1) and subsection
 468 (2) of section 1013.371, Florida Statutes, are amended to read:
 469 1013.371 Conformity to codes.—

470 (1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA FIRE
 471 PREVENTION CODE REQUIRED FOR APPROVAL.—

472 (a) Except as otherwise provided in paragraph (b), all
 473 public educational and ancillary plants constructed by a board
 474 must conform to the Florida Building Code and the Florida Fire
 475 Prevention Code, and the plants are exempt from all other state
 476 building codes; county, municipal, or other local amendments to

477 the Florida Building Code and local amendments to the Florida
 478 Fire Prevention Code; building permits, and assessments of fees
 479 for building permits, except as provided in s. 553.80;
 480 ordinances; road closures; and impact fees or service
 481 availability fees. Any inspection by local or state government
 482 must be based on the Florida Building Code and the Florida Fire
 483 Prevention Code. Each board shall provide for periodic
 484 inspection of the proposed educational plant during each phase
 485 of construction to determine compliance with the Florida
 486 Building Code, the Florida Fire Prevention Code, and the State
 487 Requirements for Educational Facilities.

488 (2) ENFORCEMENT BY BOARD.—It is the responsibility of each
 489 board to ensure that all plans and educational and ancillary
 490 plants meet the standards of the Florida Building Code and the
 491 Florida Fire Prevention Code and to provide for the enforcement
 492 of these codes in the areas of its jurisdiction. Each board
 493 shall provide for the proper supervision and inspection of the
 494 work. Each board may employ a chief building official ~~or~~
 495 ~~inspector~~ and such other inspectors, who have been certified
 496 pursuant to chapter 468, and a fire official and such other
 497 inspectors, who have been certified pursuant to chapter 633, and
 498 such personnel as ~~are~~ necessary to administer and enforce the
 499 provisions of such codes ~~this code~~. Boards may also use local
 500 building department inspectors who are certified by the
 501 department to enforce the Florida Building Code and the State
 502 Requirements for Educational Facilities ~~this code~~. Boards may
 503 also use local county, municipal, or independent special fire
 504 control district firesafety inspectors who are certified by the

505 | State Fire Marshal to conduct reviews of site plans and
 506 | inspections and to enforce the Florida Fire Prevention Code.
 507 | Plans or facilities that fail to meet the standards of the
 508 | Florida Building Code or the Florida Fire Prevention Code may
 509 | not be approved. When planning for and constructing an
 510 | educational, auxiliary, or ancillary facility, a board must use
 511 | construction materials and systems that meet standards adopted
 512 | pursuant to s. 1013.37(1)(e)3. and 4. If the planned or actual
 513 | construction of a facility deviates from the adopted standards,
 514 | the board must, at a public hearing, quantify and compare the
 515 | costs of constructing the facility with the proposed deviations
 516 | and in compliance with the adopted standards and the Florida
 517 | Building Code. The board must explain the reason for the
 518 | proposed deviations and compare how the total construction costs
 519 | and projected life-cycle costs of the facility or component
 520 | system of the facility would be affected by implementing the
 521 | proposed deviations rather than using materials and systems that
 522 | meet the adopted standards.

523 | Section 6. Section 1013.38, Florida Statutes, is amended
 524 | to read:

525 | 1013.38 Boards to ensure that facilities comply with
 526 | building codes and life safety codes.—

527 | (1) Boards shall ensure that all new construction,
 528 | renovation, remodeling, day labor, and maintenance projects
 529 | conform to the appropriate sections of the Florida Building
 530 | Code, Florida Fire Prevention Code, or, where applicable as
 531 | authorized in other sections of law, other building codes, and
 532 | life safety codes.

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533 (a) For each proposed new facility and each proposed new
 534 facility addition exceeding 2,500 square feet, the board shall
 535 submit for review a minimum of one copy of the site plan to the
 536 local county, municipality, or independent special fire control
 537 district providing fire-protection services to the facility.

538 (b) The local county, municipality, or independent special
 539 fire control district may review each site plan for compliance
 540 with the applicable provisions of the Florida Fire Prevention
 541 Code relating to fire department access roads, fire-protection
 542 system connection locations, and fire hydrant spacing. Such site
 543 plans are not subject to local amendments to the Florida Fire
 544 Prevention Code or local ordinances as provided in s. 1013.371.
 545 Site plan reviews conducted pursuant to this section shall be
 546 performed at no charge to the school board or public college
 547 board.

548 (c) The site plan shall be deemed approved unless the
 549 local county, municipality, or independent special fire control
 550 district submits to the fire official appointed by the board, in
 551 writing, any deficiencies identified with reference to specific
 552 provisions of the Florida Fire Prevention Code within 15 days
 553 after receipt of the site plan. The fire official shall
 554 incorporate such comments into his or her review and subsequent
 555 inspections.

556 (d) If the local county, municipality, or independent
 557 special fire control district and the fire official appointed by
 558 the board do not agree on the requirements or application of the
 559 Florida Fire Prevention Code, either party may refer the matter
 560 to the State Fire Marshal, who shall have final administrative

561 authority in resolving the matter.

562 (2) In addition to the submission of site plans, boards
563 may provide compliance as follows:

564 (a) Boards or consortia may individually or cooperatively
565 provide review services under the insurance risk management
566 oversight through the use of board employees or consortia
567 employees, registered pursuant to chapter 471, chapter 481, or
568 part XII of chapter 468 and firesafety inspectors certified
569 under s. 633.081.

570 (b) Boards may elect to review construction documents
571 using their own employees registered pursuant to chapter 471,
572 chapter 481, or part XII of chapter 468 and firesafety
573 inspectors certified under s. 633.081.

574 (c) Boards may submit phase III construction documents for
575 review to the department.

576 (d) Boards or consortia may contract for plan review
577 services directly with engineers and architects registered
578 pursuant to chapter 471 or chapter 481 and firesafety inspectors
579 certified under s. 633.081.

580 (3) The Department of Management Services may, upon
581 request, provide facilities services for the Florida School for
582 the Deaf and the Blind, the Division of Blind Services, and
583 public broadcasting. As used in this section, the term
584 "facilities services" means project management, code and design
585 plan review, and code compliance inspection for projects as
586 defined in s. 287.017(5).

587 (4) (a) Before the commencement of any new construction,
588 renovation, or remodeling, the board shall:

589 | 1. Approve or cause to be approved the construction
 590 | documents and evaluate such documents for compliance with the
 591 | Florida Building Code and the Florida Fire Prevention Code.

592 | 2. Ensure compliance with all applicable firesafety codes
 593 | and standards by contracting with a firesafety inspector
 594 | certified by the State Fire Marshal under s. 633.081.

595 | (b) A certificate of occupancy may not be issued until the
 596 | board, through its designated certified building official, has
 597 | determined that the building or structure and its site
 598 | conditions comply with all applicable statutes and rules.

599 | (c) The method of compliance as chosen by the board
 600 | pursuant to subsection (2) shall be documented and maintained as
 601 | part of the construction record file.

602 | (d) Upon request by the local county, municipality, or
 603 | independent special fire control district, the board shall
 604 | provide reasonable access to all construction documents.

605 | Section 7. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 331 Firesafety
SPONSOR(S): Weinstein
TIED BILLS: IDEN./SIM. BILLS: SB 534

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	11 Y, 0 N	Thompson	Williamson
2) K-20 Competitiveness Subcommittee		Graf <i>Seag</i>	Ahearn <i>QA</i>
3) Rulemaking & Regulation Subcommittee			
4) Government Operations Appropriations Subcommittee			
5) State Affairs Committee			

SUMMARY ANALYSIS

The bill clarifies the role of the State Fire Marshal in firesafety inspections of Florida's educational facilities, and streamlines the inspection and enforcement practices at the state and local levels. Specifically, the bill:

- Aligns laws governing the State Fire Marshal with educational laws governing firesafety inspections on educational property;
- Abolishes the classification of the special state firesafety inspector, leaves intact the classification of firesafety inspector, and provides for a contingent grandfathering of existing special state firesafety inspectors;
- Requires uniform firesafety standards and an alternate system to be governed by firesafety inspectors certified by the State Fire Marshal;
- Reduces the number of mandatory annual inspections at educational facilities from two to one, and provides for the inspection report to be distributed at the local level only;
- Clarifies the firesafety inspection process for charter schools and for public colleges;
- Requires all public education boards to use only certified firesafety inspectors and other inspectors who have been certified by the State Fire Marshal in monitoring compliance with the Florida Building Code, the Florida Fire Prevention Code, and the State Requirements for Educational Facilities; and
- Requires a public education board to submit for approval the site plan for new construction to the local entity providing fire-protection services to the facility, and outlines the compliance process.

Reducing redundant firesafety inspections of Florida's education facilities may reduce related expenditures for state and local governments. See "Fiscal Analysis" for details.

The bill provides an effective date of July 1, 2011.

See DRAFTING ISSUES.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Division of State Fire Marshal

The law designates the Chief Financial Officer as the State Fire Marshal.¹ The State Fire Marshal operates through the Division of State Fire Marshal within the Florida Department of Financial Services (DFS) to implement and enforce state law on fire prevention and control. Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel; investigates the causes of fires; enforces arson laws; regulates the installation of fire equipment; conducts firesafety inspections of state property; develops firesafety standards; provides facilities for the analysis of fire debris; and operates the Florida State Fire College.² Current law authorizes the State Fire Marshal to adopt by rule the Fire Prevention Code, which contains or references all firesafety laws and rules regarding public and private buildings.³

The Division of State Fire Marshal consists of four bureaus: Fire and Arson Investigations, Forensic Fire and Explosives Analysis, Fire Prevention, and Fire Standards and Training.⁴ The Florida State Fire College, part of the Bureau of Fire Standards and Training, trains over 6,000 students per year in a wide variety of certification and training programs.⁵ The Inspections Section within the Bureau of Fire Prevention conducts inspections of more than 14,000 state-owned buildings and facilities.⁶ The Florida Fire Incident Reporting Section collects over 1,800,000 fire and emergency reports each year. These reports are combined with the reports from other states in the National Fire Incident Reporting System for use by the fire services in analysis and trends. The Florida reports are also used to form the basis for the State Fire Marshal's Annual Report.⁷

Firesafety Inspections of Florida's Educational and Ancillary Facilities

The State Fire Marshal must develop firesafety criteria for educational facilities in cooperation with the Florida Building Commission and the Department of Education.⁸ All public schools, colleges, and universities are required to be inspected once every year by both the fire inspector for each school board and the local fire official.⁹ Unless otherwise specified, under current law, a "board" is defined as:

[A] district school board, a community college board of trustees, a university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind. The term "board" does not include the State Board of Education or the Board of Governors.¹⁰

Annual Report on Firesafety

The State Fire Marshal must produce a statewide annual report documenting the status of each board's firesafety program, including the improvement or lack thereof. This involves an annual compilation of district inspection reports of educational and ancillary facilities into one format for distribution to the

¹ Section 633.01(1), F.S.

² Section 633.01, F.S.

³ Sections 633.0215(1), F.S.

⁴ Florida Department of Financial Services, *State Fire Marshal*, available at, <http://www.myfloridacfo.com/sitePages/agency/sections/FireMarshal.aspx> (last visited March 24, 2011).

⁵ Florida Department of Financial Services, *Welcome to the Florida Division of State Fire Marshal*, available at, <http://www.myfloridacfo.com/sfm/index.htm> (last visited March 24, 2011).

⁶ Florida Department of Financial Services, *Bureau of Fire Prevention-Inspections Section*, available at, http://www.myfloridacfo.com/sfm/bfpr/bfpr-insp_index.htm (last visited March 24, 2011).

⁷ Florida Department of Financial Services, *Welcome to the Florida Division of State Fire Marshal*, available at, <http://www.myfloridacfo.com/sfm/index.htm> (last visited March 24, 2011).

⁸ Section 1013.37(1)(c), F.S.

⁹ Section 1013.12(2)(a), (3)(b), and (5); also see rule 69A-58.004(1), F.A.C.

¹⁰ Section 1013.01(3), F.S.

substantive committees of the state House of Representatives and Senate having jurisdiction over education, the Commissioner of Education or his or her successor, the State Board of Education, the Board of Governors, and the Governor.¹¹

The State Fire Marshal must adopt and administer rules regarding health and safety standards for educational and ancillary properties. If a county does not employ or appoint a fire official for firesafety inspections of educational properties, the State Fire Marshal assumes the duties of the local fire official.¹²

Firesafety Inspectors

Current law allows two different types of firesafety inspectors to conduct firesafety inspections: firesafety inspectors and special state firesafety inspectors. A "firesafety inspector" is defined as:

[A]n individual officially assigned the duties of conducting firesafety inspections of buildings and facilities on a recurring or regular basis on behalf of the state or any county, municipality, or special district with firesafety responsibilities.¹³

A "special state firesafety inspector" is defined as:

[A]n individual officially assigned to the duties of conducting firesafety inspections required by law on behalf of or by an agency of the state having authority for inspections other than the Division of State Fire Marshal.¹⁴

A 2010 survey by the Florida State College at Jacksonville found a total of 44 special state firesafety inspectors employed in the 67 school districts and 26 institutions within the Florida College System.¹⁵ The special state firesafety inspectors are required to complete 120 hours of specific training, 80 hours less than the training required for firesafety inspectors.¹⁶ Every firesafety inspector or special state firesafety inspector certificate is valid for a period of 3 years from the date of issuance.¹⁷

Charter Schools

Charter schools are public schools that operate under a performance contract or charter with a sponsor. A charter school may be formed by creating a new school or converting an existing public school to charter status.¹⁸ The charter delineates unique requirements that the school must comply with in order to maintain charter status.¹⁹ A charter school must meet annual inspection requirements of the Florida Fire Prevention Code, unless the charter school chooses to comply with the State Requirements for Educational Facilities.²⁰

Effect of Proposed Changes

State Fire Marshal

The bill revises the powers and duties of the State Fire Marshal by requiring the State Fire Marshal to consult with the Department of Education regarding the adoption of rules on safety and health standards at educational and ancillary facilities. If a county does not employ or appoint a firesafety inspector certified by the State Fire Marshal, the bill provides that the State Fire Marshal will assume

the duties of the local county, municipality, or independent special fire control district to conduct firesafety inspections of educational and ancillary facilities.

¹¹ Section 1013.12(8), F.S.

¹² Section 633.01(7), F.S.

¹³ Section 633.021(24), F.S.

¹⁴ Section 633.021(24), F.S.

¹⁵ E-mail, Florida State College at Jacksonville (Feb. 9, 2011).

¹⁶ Section 633.081(2)(g) and (3), F.S.

¹⁷ Section 633.081(5), F.S.

¹⁸ Section 1002.33(1), F.S.

¹⁹ Section 1002.33(9), F.S.

²⁰ Section 1002.33(18) (a) and (b), F.S.

Firesafety Inspectors

The bill abolishes the classification of "special state firesafety inspector" as of July 1, 2013. All special state firesafety inspector certifications will expire by midnight, June 30, 2013. However, current special state firesafety inspectors may be certified as firesafety inspectors if the following conditions are met:

- The inspector has at least five years of experience as a special state firesafety inspector as of July 1, 2011, and passes the firesafety inspection examination prior to July 1, 2013;
- The inspector does not have five years of experience as a special state firesafety inspector as of July 1, 2011, but takes an additional 80 hours of courses and passes the firesafety inspection examination; or
- The inspector has at least five years of experience as a special state firesafety inspector, fails the firesafety inspection examination, but takes 80 additional hours of courses, and then retakes and passes the firesafety inspection examination.

The bill prohibits a special state firesafety inspector who does not pass the firesafety inspection examination by July 1, 2013, from conducting firesafety inspections of educational and ancillary facilities.

The bill defines "firesafety inspector" as a person certified by the State Fire Marshal to conduct firesafety inspections of buildings and facilities on a recurring or regular basis.

Firesafety Inspections by District School Boards

The bill requires a district school board to appoint certified firesafety inspectors to conduct annual inspections of educational and ancillary facilities. Inspections must begin no sooner than one year after a certificate of occupancy is issued. The district school board must submit a copy of the report to the county, municipality, or independent special fire control district providing fire protection services within ten business days after the inspection, unless immediate corrective action is required owing to life-threatening deficiencies identified during a firesafety inspection. The district school board, or any other entity authorized to conduct the firesafety inspection, must certify to the State Fire Marshal that the annual inspection has been completed. The bill requires the district school board to take immediate action to correct the deficiencies identified in the firesafety inspection report, or suspend use of the educational or ancillary facility until the deficiencies are corrected.

Inspections of Educational Property by Other Public Agencies

An annual firesafety inspection must be conducted on educational and ancillary facilities operated by a school board or public college. Such inspections may begin no sooner than one year after a building certificate of occupancy is issued, and annually thereafter. If the firesafety inspection identifies any life-threatening deficiencies, the county, municipality, or independent special fire control district, in conjunction with the board-appointed fire official must require the board to take immediate to correct the deficiencies, or suspend use of the educational or ancillary facility until the deficiencies are corrected.

Inspection of Charter Schools Not Located on Board Owned or Leased Property

The bill authorizes a safety or sanitation inspection of educational and ancillary facilities at any time by an authorized state or local agency. The agency that is authorized by law to conduct such inspections must submit a copy of the inspection report to the charter school sponsor.

A firesafety inspection must be conducted on educational facilities that are not owned or leased by the district school board or a public college in accordance with the standards adopted by the State Fire Marshal.

The inspecting authority is required, upon request, to provide a copy of the firesafety report to the board in the district in which the charter school facility is located. The inspecting authority must include a plan of action to correct each deficiency that is identified in the firesafety inspection. If any life-threatening deficiencies are identified, the inspecting authority must require the charter school to take immediate action to correct the deficiencies, or suspend use of the educational or ancillary facility until the deficiencies are corrected. If the charter school fails to take corrective action within the period

designated in the corrective action plan, the county, municipality, or independent special fire control district must immediately report the deficiency to the State Fire Marshal and the charter school sponsor.

The bill provides the State Fire Marshal enforcement authority over charter school educational and ancillary facilities.

Inspections of Public Postsecondary Education Facilities

The bill requires firesafety inspections of public college facilities, including charter schools located on board-owned or board-leased facilities or otherwise operated by public college boards to comply with the Florida Fire Prevention Code, as adopted by the State Fire Marshal. Local amendments to the provisions of the code relating to inspection of such facilities are prohibited. Each public college facility must be inspected annually by a firesafety inspector certified by the State Fire Marshal.²¹ The certified firesafety inspector must provide a plan of action to the college to correct each deficiency identified during the firesafety inspection. The bill requires the college to provide a copy of the firesafety inspection report to the county, municipality, or independent special fire control district in which the facility is located.

Firesafety inspections of state universities must comply with the Florida Fire Prevention Code. If a school board,²² public college board or charter school fails to correct deficiencies identified by the certified firesafety inspector, the inspecting authority must immediately report the deficiency to the State Fire Marshal.

The bill deletes the requirement for the State Fire Marshal to publish an annual report on firesafety. This report is based on a compilation of firesafety inspection reports received from local entities for each educational and ancillary facility and submitted to the Florida Legislature, Governor, Commissioner of Education, State Board of Education, and the Board of Governors.

Approval of New Construction and Site Plans

The bill requires each board, as defined under current law,²³ to provide for a periodic inspection of proposed educational and ancillary facilities to ensure that the construction complies with the Florida Building Code and the Florida Fire Prevention Code, in addition to the State Requirements for Educational Facilities. Firesafety inspectors certified by the State Fire Marshal must enforce the Florida Fire Prevention Code.

The bill requires local boards to submit for approval to local county, municipality, or independent special fire control district providing fire-protection services to a facility, site plans for new facilities, and describes the process for compliance and informal appeal. The boards must also submit to the local entity, the site plan for each new addition that exceeds 2,500 square feet.

The reviews of site plans and inspections must be conducted by certified building code inspectors,²⁴ fire officials, or firesafety inspectors.

The bill makes clear that such site plans are not subject to local amendments. The site plans will be deemed approved unless the local county, municipality, or independent special fire control district submits to the board-appointed fire official, deficiencies citing the Florida Fire Prevention Code within fifteen days after receipt of the site plan. The fire official must incorporate the identified deficiencies in his or her review and subsequent inspections.

²¹ Section 633.081, F.S., provides training and certification requirements for State Fire Marshal-certified firesafety inspector.

²² The provisions for school board have been included under the section on Inspections of Public Postsecondary Education Facilities in the bill.

²³ Section 1013.01(3), F.S., defines the term "board" as a district school board, a community college board of trustees, a university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind. The term "board" does not include the State Board of Education or the Board of Governors.

²⁴ Section 468(2), F.S., defines building code inspector.

The State Fire Marshal reserves the final administrative authority to resolve disputes between the local county, municipality, or independent special fire control district, and the fire official pertaining to the requirements or application of the Florida Fire Prevention Code.

Before the commencement of any new construction, renovation, or remodeling, the bill requires that the board must approve the construction documents for compliance with the Florida Building Code and the Florida Fire Prevention Code. The board is required to contract with a State Fire Marshal-certified firesafety inspector to ensure compliance with all firesafety codes. The bill prohibits issuing the certificate of occupancy until the board certifies that the building or structure complies with all applicable statutes and rules. The board must document and maintain as part of the construction record file, the method of compliance that it chooses. Finally, the bill requires that the board must, upon request, provide to the local county, municipality, or independent special fire control district, reasonable access to all construction documents.

B. SECTION DIRECTORY:

Section 1: Amending s. 633.01, F.S., revising the rulemaking authority and responsibilities of the State Fire Marshal; providing that if a county does not employ or appoint a certified firesafety inspector, the State Fire Marshal is to perform firesafety inspections of educational property.

Section 2: Amending s. 633.021, F.S., clarifying the definition of "firesafety inspector" to include certification under s. 633.081, F.S.

Section 3: Amending s. 633.081, F.S., revising requirements and procedures for inspections of buildings and equipment; abolishing special state firesafety inspector classifications and certifications; and providing criteria, procedures, and requirements for special state firesafety inspectors to be certified as firesafety inspectors.

Section 4: Amending s. 1013.12, F.S., revising procedures and requirements for certain standards and inspection of educational property; providing procedures, criteria, and requirements for inspections of charter schools; providing reporting requirements; revising requirements for inspections of public postsecondary education facilities; and deleting a provision requiring that the State Fire Marshal publish an annual report.

Section 5: Amending s. 1013.371, F.S., revising firesafety inspection requirements for educational institution boards to conform to the Florida Building Code and the Florida Fire Prevention Code; and revising certain code enforcement authority of such boards certified pursuant to chapter 633, F.S.

Section 6: Amending s. 1013.38, F.S., requiring educational institution boards to submit certain facility site plans to a local county, municipality, or independent special fire control district for review; authorizing such entities to review site plans for compliance with certain provisions of the Florida Fire Prevention Code; specifying that site plans are not subject to local ordinances or local amendments to the Florida Fire Prevention Code; providing criteria for approving site plans and correcting firesafety compliance deficiencies; providing for referral of disputes to the State Fire Marshal; authorizing public education boards to use firesafety inspectors for compliance with the Florida Building Code and the Florida Fire Prevention Code; and imposing additional requirements for such boards relating to construction, renovation, or remodeling of educational facilities.

Section 7: Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill will likely create an insignificant reduction in expenditures. The bill deletes the Florida Division of State Fire Marshal's annual state-level report requirement. The Florida Department of Financial Services (DFS) estimates that the Florida Division of State Fire Marshal will save office funds and resources that are used to generate the report. The savings will be in the \$5,000 range unless the contract with the University of Florida to operate the database is cancelled. If the contract is cancelled, savings will be closer to \$9,000.²⁵

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Currently, the State Requirements for Educational Facilities and the State Fire Marshal rules require two separate or one joint annual fire inspections to be performed by both a local authorized agency as well as the board for each board-owned or leased building. The bill authorizes an annual inspection of educational and ancillary facilities by county, municipal, or special fire control districts, thereby reducing the number of mandatory annual inspections to one every year.²⁶

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Special state firesafety inspectors who fail the firesafety inspection examination, must meet the training and certification requirements provided in the bill. The bill prohibits special state firesafety inspectors who do not have at least five years of experience by July 1, 2011, and who do not pass the firesafety inspection examination by July 1, 2013, from conducting firesafety inspections.

D. FISCAL COMMENTS:

Reducing duplicative inspections will likely result in cost savings for the local government entities. The DFS estimates cost savings will be small, approximately, \$5000 resulting from the modifications in the contract with the University of Florida relating to the database used for the compilation of firesafety inspection reports, and the cost associated with printing the annual report. Any staff time saved by implementing the bill will be redirected to other critical areas, and will likely not result in real savings to DFS.²⁷

Additionally, deleting the existing requirement for the Florida Division of State Fire Marshal to prepare an annual report based on the compilation of inspection reports received from each board for all educational and ancillary facilities will likely result in cost savings for the State. Florida Department of Education estimates approximately \$515,210 in cost savings to the school districts and colleges based on an unofficial survey of the 67 school districts and 28 colleges within the Florida College System conducted by the department.²⁸

²⁵ Florida Department of Financial Services, Revised Analysis of HB 331 (March 7, 2011).

²⁶ Florida Department of Education, Analysis of HB 331 (Feb. 17, 2011); *also see* 69A-58.004(1), F.A.C.; Chapter 5, State Requirements for Educational Facilities, incorporated by reference in rule 6A-2.0010, F.A.C., State Requirements for Educational Facilities (SREF).

²⁷ Florida Department of Financial Services, Revised Analysis of HB 331 (March 7, 2011).

²⁸ Florida Department of Education, Analysis of HB 331 (Feb. 17, 2011).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Fire Marshal to consult with the Florida Department of Education (DOE) regarding the adoption of rules pertaining to safety and health standards at educational facilities. Consequently, the DOE rules related to education facilities²⁹ and the State Fire Marshal rules for education facilities³⁰ adopted pursuant to Chapter 120, F.S., may need amending.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The section on The Inspections of Public Postsecondary Education Facilities in the bill includes reference to school board. This may be a drafting error.

The bill makes references to public college. As directed by s. 21 of ch. 2010-70, Laws of Florida, a reviser's bill (HB 7111) was prepared to substitute the term "Florida College System Institution" for the terms "Florida college," "community college," and "junior college" where those terms appear in Florida K-20 Education Code. The term "public college" was also included in the reviser's bill.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

²⁹ Rule 6A-2.0010, F.A.C., State Requirements for Educational Facilities (SREF).

³⁰ Rule Chapter 69A-58, F.A.C., Firesafety in Education Facilities.

1 A bill to be entitled
 2 An act relating to contracts with personnel hired by a
 3 Florida College System institution board of trustees;
 4 amending s. 1007.33, F.S.; removing eligibility for
 5 certain faculty at St. Petersburg College to be awarded
 6 continuing contracts; amending s. 1012.83, F.S.; providing
 7 definitions; providing criteria for employment of
 8 personnel newly hired on or after July 1, 2011, by a
 9 Florida College System institution board of trustees;
 10 providing requirements for probationary and annual
 11 contracts for administrative, instructional, or
 12 educational support personnel; prohibiting the award of
 13 tenure, a multiyear contract, or a continuing contract;
 14 providing an exception; providing requirements relating to
 15 dismissal and retention of employees; requiring adoption
 16 of a performance evaluation policy; amending s. 1012.855,
 17 F.S.; removing a reference to State Board of Education
 18 rules regarding tenure; repealing State Board of Education
 19 rules relating to certain contracts, including multiyear
 20 and continuing contracts; revoking and prohibiting certain
 21 policies, practices, and procedures of a Florida College
 22 System institution; providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Subsection (4) of section 1007.33, Florida
 27 Statutes, is amended to read:

28 1007.33 Site-determined baccalaureate degree access.—

- 29 (4) A Florida college may:
- 30 (a) Offer specified baccalaureate degree programs through
- 31 formal agreements between the Florida college and other
- 32 regionally accredited postsecondary educational institutions
- 33 pursuant to s. 1007.22.
- 34 (b) Offer baccalaureate degree programs that were
- 35 authorized by law prior to July 1, 2009.
- 36 (c) Beginning July 1, 2009, establish a first or
- 37 subsequent baccalaureate degree program for purposes of meeting
- 38 district, regional, or statewide workforce needs if approved by
- 39 the State Board of Education under this section.

40

41 Beginning July 1, 2009, the Board of Trustees of the St.

42 Petersburg College is authorized to establish one or more

43 bachelor of applied science degree programs based on an analysis

44 of workforce needs in Pinellas, Pasco, and Hernando Counties and

45 other counties approved by the Department of Education. For each

46 program selected, St. Petersburg College must offer a related

47 associate in science or associate in applied science degree

48 program, and the baccalaureate degree level program must be

49 designed to articulate fully with at least one associate in

50 science degree program. The college is encouraged to develop

51 articulation agreements for enrollment of graduates of related

52 associate in applied science degree programs. The Board of

53 Trustees of the St. Petersburg College is authorized to

54 establish additional baccalaureate degree programs if it

55 determines a program is warranted and feasible based on each of

56 the factors in paragraph (5)(d). Prior to developing or

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57 proposing a new baccalaureate degree program, St. Petersburg
 58 College shall engage in need, demand, and impact discussions
 59 with the state university in its service district and other
 60 local and regional, accredited postsecondary providers in its
 61 region. Documentation, data, and other information from inter-
 62 institutional discussions regarding program need, demand, and
 63 impact shall be provided to the college's board of trustees to
 64 inform the program approval process. Employment at St.
 65 Petersburg College is governed by the same laws that govern
 66 community colleges, ~~except that upper division faculty are~~
 67 ~~eligible for continuing contracts upon the completion of the~~
 68 ~~fifth year of teaching.~~ Employee records for all personnel shall
 69 be maintained as required by s. 1012.81.

70 Section 2. Section 1012.83, Florida Statutes, is amended
 1 to read:

72 1012.83 Contracts with personnel hired by a Florida
 73 College System institution board of trustees ~~administrative and~~
 74 ~~instructional staff.~~

75 (1) DEFINITIONS.—The term:

76 (a) "Administrative personnel" includes, but is not
 77 limited to, an employee who performs management activities such
 78 as developing broad policies for a Florida College System
 79 institution and executing those policies through the direction
 80 of personnel at all levels within the institution. In addition,
 81 the term "administrative personnel" includes an employee who has
 82 been assigned the responsibilities of systemwide or institution-
 83 wide functions, including developing, coordinating, or
 84 administering instructional and noninstructional activities of

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85 the institution. The term "administrative personnel" does not
86 include a Florida College System institution's president.

87 (b) "Annual contract" means an employment contract for a
88 period of no longer than 365 days which a Florida College System
89 institution board of trustees may award or not award without
90 cause.

91 (c) "Educational support personnel" includes, but is not
92 limited to, an employee hired as an education or administrative
93 paraprofessional; a member of an operations, maintenance, or
94 comparable department; or a secretary or clerical or comparable
95 level support employee.

96 (d) "Instructional personnel" includes, but is not limited
97 to, a teacher, faculty member, professor, or employee who
98 provides any direct instructional services to students. In
99 addition, the term "instructional personnel" includes an
100 employee who provides direct support to students, including, but
101 not limited to, an employee responsible for providing media
102 services and technology resources; a counselor, adviser, or
103 employee performing educational evaluations or placement
104 services or similar functions; or an instructional specialist,
105 librarian, resource specialist, instructional trainer, or
106 adjunct educator.

107 (e) "President" means the president of a Florida College
108 System institution appointed by the board of trustees pursuant
109 to s. 1001.64(19).

110 (f) "Probationary contract" means an employment contract
111 for a period of no longer than 365 days awarded to
112 administrative, instructional, or educational support personnel

113 upon initial employment by a Florida College System institution
 114 board of trustees. Probationary contract employees may be
 115 dismissed without cause or may resign without breach of
 116 contract.

117 (2) EMPLOYMENT.—

118 (a) Notwithstanding any other provision of law to the
 119 contrary, all personnel newly hired on or after July 1, 2011, by
 120 a Florida College System institution board of trustees shall be
 121 classified as administrative, instructional, or educational
 122 support personnel and shall be awarded a probationary contract.
 123 A Florida College System institution board of trustees may not
 124 award a probationary contract more than once to the same
 125 employee unless the employee was rehired after a break in
 126 service for which an authorized leave of absence was not granted
 7 by the board of trustees. A probationary contract shall be
 128 awarded regardless of previous employment in another Florida
 129 College System institution or state. Upon successful completion
 130 of a probationary contract, the board of trustees may award an
 131 annual contract pursuant to paragraph (c).

132 (b) An annual contract may be awarded pursuant to
 133 paragraph (c) to newly hired administrative, instructional, or
 134 educational support personnel who have successfully completed a
 135 probationary contract or have received one or more annual
 136 contracts from a Florida College System institution board of
 137 trustees.

138 (c) An annual contract may be awarded only if:

- 139 1. A Florida College System institution president
 140 recommends employment to the board of trustees based upon the

141 individual's effective performance, educational and experiential
 142 qualifications, and capacity to meet the educational needs of
 143 the institution and the community; and

144 2. The board of trustees approves the recommendation of
 145 the president in accordance with policies and procedures adopted
 146 by the Florida College System institution.

147 (d)1. Notwithstanding any other provision of law to the
 148 contrary, on or after July 1, 2011, no personnel may be awarded
 149 tenure, a multiyear contract, or a continuing contract, except
 150 the president.

151 2. Tenure, a multiyear contract, or a continuing contract
 152 in effect prior to July 1, 2011, may not be renewed, extended,
 153 or readopted. Personnel without an annual contract are eligible
 154 to be awarded an annual contract pursuant to paragraph (c).

155 3. Personnel under a probationary contract as of July 1,
 156 2011, are eligible for an annual contract under paragraph (c).

157 4. Personnel who have obtained permanent or classified
 158 status as of July 1, 2011, may be awarded an annual contract
 159 under paragraph (c) on their employment anniversary date.

160 (e) A contract does not create an expectancy of employment
 161 beyond the term of the contract. Nonrenewal of a contract does
 162 not entitle the employee to an explanation or statement of the
 163 reasons for nonrenewal or to a hearing.

164 (f) A Florida College System institution board of trustees
 165 may dismiss an employee who has been awarded an annual contract,
 166 or who holds tenure, a multiyear contract, or a continuing
 167 contract, during the term of the contract based upon the
 168 recommendation of the Florida College System institution

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169 president. The recommendation of the president may be based upon
 170 the factors enumerated in s. 1012.335(5), as defined in the
 171 State Board of Education rule, or the policies adopted by the
 172 board of trustees, or both. The president shall notify the
 173 employee in writing of the recommendation, and the board of
 174 trustees shall afford the employee the right to a hearing in
 175 accordance with the policies and procedures adopted by the board
 176 of trustees.

177 (g) If workforce reduction is needed, a Florida College
 178 System institution board of trustees must retain employees based
 179 upon educational and programmatic needs and the performance of
 180 employees within the affected program areas. Within the program
 181 areas requiring reduction, the employee with the lowest
 182 performance must be the first to be released; the employee with
 183 the next lowest performance must be the second to be released;
 184 and reductions shall continue in like manner until the needed
 185 number of reductions has occurred. A Florida College System
 186 institution board of trustees must adopt a performance
 187 evaluation policy that sets forth the criteria and process for
 188 evaluating performance and must make the policy readily
 189 available and accessible to all employees. A Florida College
 190 System institution board of trustees may not prioritize
 191 retention of employees based upon seniority or the type of
 192 contract an employee holds.

193 ~~(1) Each person employed in an administrative or~~
 194 ~~instructional capacity in a community college shall be entitled~~
 195 ~~to a contract as provided by rules of the State Board of~~
 196 ~~Education.~~

197 ~~(3)(2)~~ CONTRACT RESTRICTION.—A community college board of
 198 trustees may not enter into an employment contract that requires
 199 the community college to pay an employee an amount from
 200 appropriated state funds in excess of 1 year of the employee's
 201 annual salary for termination, buyout, or any other type of
 202 contract settlement. This subsection does not prohibit the
 203 payment of leave and benefits accrued by the employee in
 204 accordance with the community college's leave and benefits
 205 policies before the contract terminates.

206 Section 3. Paragraph (a) of subsection (1) of section
 207 1012.855, Florida Statutes, is amended to read:

208 1012.855 Employment of community college personnel;
 209 discrimination in granting salary prohibited.—

210 (1)(a) Employment of all personnel in each community
 211 college shall be upon recommendation of the Florida College
 212 System institution president, subject to approval ~~rejection~~ ~~for~~
 213 ~~cause~~ by the community college board of trustees; to the rules
 214 of the State Board of Education relative to certification,
 215 ~~tenure~~, leaves of absence of all types, including sabbaticals,
 216 remuneration, and such other conditions of employment as the
 217 State Board of Education deems necessary and proper; and to
 218 policies of the community college board of trustees not
 219 inconsistent with law.

220 Section 4. All rules implementing s. 1012.83(1), Florida
 221 Statutes 2010, including Rules 6A-14.041 and 6A-14.0411, Florida
 222 Administrative Code, adopted prior to July 1, 2011, shall stand
 223 repealed. All policies adopted by a Florida College System
 224 institution board of trustees and all policies, practices, and

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225 procedures followed by a Florida College System institution
226 which are contrary to or inconsistent with this act are revoked
227 and prohibited.

228 Section 5. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB KCOS 11-03 Florida College System institution

SPONSOR(S): K-20 Competitiveness Subcommittee

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-20 Competitiveness Subcommittee		Valenstein	Ahearn

SUMMARY ANALYSIS

The bill discontinues the award of tenure, multi-year contracts, and continuing contracts for all personnel of Florida College System (FCS) institutions as of July 1, 2011, except for the president of the institution. The bill prohibits the renewal, extension, or re-adoption of such contracts in effect prior to July 1, 2011; however, the board of trustees of an FCS institution (FCS BOT) may award these personnel annual contracts.

As of July 1, 2011, all newly hired personnel by an FCS BOT must be classified as administrative, educational support, or instructional personnel, as these classifications are defined in the bill. Newly hired personnel must be awarded a probationary contract. During the term of a probationary contract, an FCS BOT may terminate the contract without cause or the employee may resign without breach of contract. Probationary contracts are awarded to all newly hired personnel, regardless of prior employment in another FCS institution or another state.

Upon successful completion of the one-year probationary contract, an FCS BOT may award the employee an annual contract. An annual contract may only be awarded if a president recommends and an FCS BOT approves the recommendation, in accordance with policies and procedures adopted by the institution.

An FCS BOT is also authorized to award annual contracts to personnel that have obtained permanent or classified status as of July 1, 2011, on their employment anniversary date.

Any FCS personnel may be dismissed at any time during the term of a contract based upon the recommendation of the president. The president's recommendation must be based upon just cause, the policies adopted by the FCS BOT, or both. The president must notify the employee in writing of the recommendation and the FCS BOT must provide the employee a hearing in accordance to policies and procedures established by the FCS BOT.

In addition, the bill specifies that a contract does not create an expectancy of employment beyond the term of the contract, nor does non-renewal of a contract entitle an employee to an explanation or statement of the reasons for non-renewal or a hearing.

The bill requires FCS institutions, when making workforce reductions, to retain employees based upon educational and programmatic needs and the performance of employees within the affected area. An FCS BOT is required to adopt a performance evaluation policy that sets forth the criteria and process for evaluating performance.

Additionally, the bill eliminates the specific eligibility for upper-division faculty at St. Petersburg College to receive tenure after their fifth year of teaching.

The bill repeals certain State Board of Education rules and FCS policies regarding tenure.

This bill does not have a fiscal impact.

This bill provides an effective date of July 1, 2011.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: pcb03.KCOS

DATE: 3/25/2011

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Law

Employees of Florida College System (FCS) institutions currently receive different types of employment contracts including, a probationary contract, an annual contract, a multi-year contract, or a continuing contract. An FCS institution may determine when to award each contract in accordance with the criteria established by the State Board of Education.¹

Full-time FCS administrative personnel may receive a multi-year contract not to exceed three years. All other contracts provided to administrative personnel may not exceed 12 months.² These contracts do not create an expectancy of employment beyond the term of the contract. Additionally, non-renewal of a contract does not entitle a person to the reasons for non-renewal or to a hearing.³

A continuing contract entitles a full-time faculty member to continue in a faculty position at the FCS institution without the necessity for annual nomination or reappointment until the employee resigns or the president recommends, and the board of trustees approves, the dismissal or the return to an annual contract for the employee. An FCS institution determines when a continuing contract is to be awarded to full-time faculty, in accordance with criteria established by the State Board of Education.⁴

In order to be eligible for a continuing contract, the faculty member must have completed three years of continuous service in the same college in a five year period and have received a recommendation for the contract by the president and approval by the board of trustees of the FCS institution (FCS BOT). The decision by the president and the board of trustees must be based upon successful performance of duties and demonstration of professional competence.⁵ FCS institutions may also use other criteria in awarding continuing contracts, including educational qualifications, efficiency, compatibility, character and capacity to meet the educational needs of the community, and the length of time the duties and responsibilities of the position are expected to be needed. FCS institutions must provide the criteria used to award continuing contracts to faculty in writing.⁶

Additionally, upper-division faculty members at St. Petersburg College are specifically authorized to obtain "tenure" after their fifth year of teaching.⁷

"Tenure" is defined in a number of ways and is often used interchangeably with continuing contracts or other forms of roll-over contracts. Tenure means allowing employees to hold their positions for life or until retirement; and, these employees may not be discharged except for cause.⁸

Florida law is silent as to requirements for workforce reductions made by FCS institutions.

Proposed Changes

The bill discontinues the award of tenure, multi-year contracts, and continuing contracts for all personnel of FCS institutions as of July 1, 2011, except for the president of the institution. The bill prohibits the renewal, extension, or re-adoption of such contracts in effect prior to July 1, 2011; however, an FCS BOT may award these personnel annual contracts.

¹ Section 1012.83(1), F.S.; rules 6A-14.041 and 6A-14.0411, F.A.C.

² Rule 6A-14.041(2), F.A.C.; *see also* s. 1012.83(1), F.S.

³ Rule 6A-14.041(3), F.A.C.

⁴ Rule 6A-14.0411, F.A.C.

⁵ Rule 6A-14.0411(1), F.A.C.

⁶ Rule 6A-14.0411(2), F.A.C.

⁷ Section 1007.33(4), F.S.

⁸ Black's Law Dictionary, 5th ed. (1979), at 1317.

As of July 1, 2011, all newly hired personnel by the FCS BOT must be classified as administrative, educational support, or instructional personnel and must first be awarded a probationary contract. During the term of a probationary contract, an FCS BOT may terminate the contract without cause or the employee may resign without breach of contract. An FCS BOT may not award a probationary contract more than once, unless the employee was rehired after an unauthorized break in service. Probationary contracts are awarded to all newly hired personnel, regardless of prior employment in another FCS institution or another state.

The bill defines administrative personnel to include those employees that perform management activities, such as developing broad policies for an FCS institution and executing those policies through the direction of personnel at all levels within the institution. Additional responsibilities of administrative personnel include developing, coordinating, and administering instructional and noninstructional activities of the institution. The definition of administrative personnel specifically excludes the president of the FCS institution appointed by the FCS BOT.

Educational support personnel are defined as employees hired as an education or administrative paraprofessional; a member of an operations, maintenance, or comparable department; or a secretary or clerical, or comparable level support employee.

The term instructional personnel is defined to include a teacher, faculty member, professor, or employee who provides direct instructional services to students and also includes employees who provide any direct support to students. Employees that provide direct support to students include, but are not limited to, those providing media services and technology resources, counselors, advisers, those performing educational evaluations or placement services or similar functions, instructional specialists, librarians, resource specialists, instructional trainers, and adjunct educators.

Upon successful completion of the one-year probationary contract, an FCS BOT may award the employee an annual contract. An annual contract may only be awarded if the president of the institution recommends employment to the FCS BOT based upon the employee's effective performance, educational and experiential qualifications, and capacity to meet the educational needs of the institution and the community. In addition, the FCS BOT must approve the recommendation of the president in accordance with the policies and procedures adopted by the institution.

An FCS BOT is authorized to award annual contracts to personnel that have obtained permanent or classified status as of July 1, 2011, on their employment anniversary date.

The bill provides that any employee under any type of contract may be dismissed at any time during the term of a contract based upon the recommendation of the president. The president's recommendation must be based upon just cause factors enumerated in s. 1012.335(5), as defined by the State Board of Education rule; the policies adopted by the FCS BOT; or both. Just cause includes immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, and being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude. The bill requires the president to notify the employee in writing of the recommendation and the FCS BOT must provide the employee a hearing in accordance with policies and procedures established by the FCS BOT.

In addition, the bill specifies that a contract does not create an expectancy of employment beyond the term of the contract, nor does non-renewal of a contract entitle an employee to an explanation or statement of the reasons for non-renewal or a hearing.⁹

The bill effectively ends the practice of "last hired, first fired" for FCS institutions. FCS institutions, when making workforce reductions, must retain employees based upon educational and programmatic needs and the performance of employees within the affected program areas. Specifically, employees with the lowest performance must be released before higher performing employees. The bill requires

⁹ These requirements are currently found in Rule 6A-14.041, F.A.C.

an FCS BOT to adopt a performance evaluation policy that sets forth the criteria and process for evaluating performance. The policy for evaluating performance must be readily available and accessible by all employees. The bill prohibits FCS institutions from prioritizing retention of employees based upon seniority or the type of contract an employee holds. These provisions provide institutions the flexibility needed to retain high performing employees and respond more efficiently and effectively to shifting programmatic and institutional needs.

Additionally, the bill eliminates the specific eligibility for upper-division faculty at St. Petersburg College to receive tenure after their fifth year of teaching.

The bill also repeals all rules implementing the law being amended by the bill, specifically including rules 6A-14.041 and 6A-14.0411, F.A.C. Additionally, all policies adopted by an FCS BOT and all policies, practices, and procedures followed by an FCS institution which are contrary to or inconsistent with the bill are revoked and prohibited.

B. SECTION DIRECTORY:

Section 1. Amends s. 1007.33, F.S., to remove eligibility for certain faculty at St. Petersburg College to be awarded continuing contracts.

Section 2. Amends s. 1012.83, F.S., to authorize annual contracts based upon specified criteria.

Section 3. Amends s. 1012.855, F.S., to remove a reference to State Board of Education rules regarding tenure.

Section 4. Repeals certain State Board of Education rules and Florida College System polices, practices, and procedures.

Section 5. Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.

29 The purpose of this section is to provide information and tools
 30 to parents of prekindergarten through grade 12 students to
 31 enable them to have a positive impact on their child's
 32 educational success and to set standards for parental
 33 accountability.

34 (2) CAUSES FOR STUDENT UNDERACHIEVEMENT.—The following
 35 behaviors with respect to the relationship between a child's
 36 home and school are identified as possible causes for a
 37 student's underachievement:

38 (a) A child is not physically prepared for the school day
 39 due to inadequate rest or improper clothing, lack of necessary
 40 school supplies, or frequent tardiness or absence.

41 (b) A child is not mentally prepared for the school day
 42 due to uncompleted homework or inadequate preparation for tests.

43 (c) Communication between parents and the teacher is often
 44 written rather than through personal contact and often occurs
 45 only when a problem has arisen rather than on a consistent basis
 46 throughout the school year.

47 (3) PRINCIPLES.—

48 (a) Parental involvement is most effective when it is
 49 comprehensive, well planned, and continues throughout the school
 50 year.

51 (b) Parental involvement should be developmental with a
 52 preventive rather than remedial approach and an integral part of
 53 a strategy to improve student achievement.

54 (c) Parents do not need to be formally educated to provide
 55 support and assistance to improve the academic performance of
 56 their child.

57 (d) At-risk children have the most to gain from parental
 58 involvement.

59 (4) STRATEGIES.—Strategies that parents may employ to
 60 support the learning of their children and improve student
 61 achievement include, but are not limited to:

62 (a) Attend parent-teacher conferences during which the
 63 student's strengths and weaknesses are discussed and goals for
 64 the student are collaboratively set.

65 (b) Maintain correspondence with the child's teachers
 66 through submission of signed forms and signed homework
 67 assignment sheets and respond to formal requests for conference.

68 (c) Establish a home environment that supports the child
 69 as a student.

70 (d) Contact the teacher if a problem or issue arises with
 71 homework, a situation in the home that may disturb the student's
 72 performance, or absences and makeup assignments.

73 (e) Facilitate the student's performance in school by
 74 monitoring homework completion and test preparation and helping
 75 with curriculum-related activities.

76 (f) Provide for the student's on-time attendance, prevent
 77 frequent absences, and provide needed school supplies.

78 (5) SHARED INFORMATION.—Teachers and schools shall develop
 79 or utilize current information packets, forms, or videos for
 80 sharing information with each parent with written
 81 acknowledgement of receipt. The shared information may be
 82 presented in the parent guide to successful student achievement
 83 or in the checklist of parental actions that can strengthen

84 parental involvement in a child's educational progress, required
 85 under s. 1002.23, and includes:

86 (a) Expectations of parents with respect to school
 87 attendance requirements.

88 (b) Expectations of parents with respect to a child's
 89 physical readiness for school, including provision for adequate
 90 night-time sleep; necessary school supplies, which may be
 91 obtained through various organizations if needed; meals, which
 92 may be obtained through a school's free or reduced-priced meal
 93 program if qualified; and immunizations and medical care.

94 (c) Expectations of parents with respect to a child's
 95 academic work, including time set aside for daily homework and
 96 reading, nightly check of homework completion and preparation
 97 for tests, early preparation of assigned school projects,
 98 signature on required forms, and check of contents of school
 99 backpack.

100 (6) ACCOUNTABILITY.—To help parents establish a home
 101 environment that supports the child as a student, each teacher
 102 shall monitor and assess the quality of the involvement of the
 103 parents of each student in his or her class. Each
 104 prekindergarten through grade 3 student report card shall
 105 include a section in which the teacher grades the parental
 106 involvement as satisfactory, needs improvement, or
 107 unsatisfactory on each of the following criteria:

108 (a) Parental response to requests for conferences or
 109 communication.

110 (b) The student's completion of homework and preparation
 111 for tests.

112 (c) The student's physical preparation for school that has
 113 an effect on mental preparation.

114 (d) The frequency of the student's absence and tardiness.

115 (7) APPEALS PROCESS.—A parent may appeal the report card
 116 parental involvement grade assigned by the teacher under
 117 subsection (6) through a process adopted by the State Board of
 118 Education in rule in which the principal, the teacher, and the
 119 parent meet to discuss how the report card grade was determined.
 120 The meeting shall also provide information and feedback on the
 121 steps needed to improve the parental involvement grade, thereby
 122 improving the environment and elements that affect student
 123 learning.

124 (8) IMPLEMENTATION.—This section shall be implemented
 125 beginning with the 2012-2013 school year.

126 Section 2. This act shall take effect July 1, 2011.