

STORAGE NAME: h0365s1z.edk

DATE: June 17, 1999

****FINAL ACTION****

****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
EDUCATION K-12
FINAL ANALYSIS**

BILL #: CS/HB 365

RELATING TO: Public School Curricula (Program in Elementary School Character Development)

SPONSOR(S): Committee on Education K-12 and Representative Stafford

COMPANION BILL(S): CS/SB 698

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION K-12 YEAS 7 NAYS 0
- (2) EDUCATION APPROPRIATIONS YEAS 8 NAYS 1
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

PASSED BY THE LEGISLATURE - CHAPTER #99-347, Laws of Florida.

On April 22, 1999, CS/HB 365 was amended in the House on second reading. The bill was then read a third time and passed the House [YEAS 109, NAYS 2]. On April 26, 1999, CS/HB 365 was substituted for CS/SB 698 and read a second time. On April 27, 1999, CS/HB 365 passed the Senate [YEAS 40, NAYS 0].

The bill was presented to the Governor on May 28, 1999, and on June 11, 1999, was signed into law by the Governor.

II. SUMMARY:

The committee substitute for HB 365 *requires* school boards to install a character-development program in elementary schools which is similar to Character First or Character Counts. The program must be secular in nature and must stress such character qualities as attentiveness, patience, and initiative.

Each school district *may* provide students with programs and instruction at the appropriate grade levels in areas including, but not limited to, character development, *ethics*, and law education.

Character development programs can be funded with existing resources; however, local funds may need to be redirected from other areas of emphasis. No additional state funds are required.

The effective date of the bill is July 1, 1999.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Required Instruction

Section 233.061, F.S., provides for the following required instruction:

- ◆ Declaration of Independence;
- ◆ Arguments in support of a republican form of government;
- ◆ U.S. constitution and its relation to government structure;
- ◆ Flag education, including proper display and salute;
- ◆ The elements of civil government;
- ◆ History of the Holocaust;
- ◆ History of African Americans;
- ◆ The elementary principals of agriculture;
- ◆ The true effects of all alcoholic and intoxicating liquors, beverages, and narcotics;
- ◆ Kindness to animals;
- ◆ The history of the state;
- ◆ The conservation of natural resources;
- ◆ Comprehensive health education;
- ◆ The study of Hispanic contributions to the United States;
- ◆ The study of women's contributions to the United States; and
- ◆ Additional materials, subjects, courses, or fields as prescribed by law or rule.

Authorized Instruction

Section 233.0612, F.S., authorizes the following instruction:

Each school districts may provide students with programs and instruction at the appropriate grade levels in areas including, but not limited to, the following:

- ◆ Character development and law education;
- ◆ The objective study of the Bible and religion;
- ◆ Traffic education;
- ◆ Free enterprise and consumer education;
- ◆ Programs to encourage patriotism and greater respect for country;
- ◆ Drug abuse resistance education;
- ◆ Comprehensive health education;
- ◆ Care of nursing home patients;
- ◆ Instruction in acquired immune deficiency syndrome;
- ◆ Voting instruction, including the use of county voting machines; and
- ◆ Before-school and after-school programs.

School boards are encouraged to install in the elementary schools of the district a program in character development which is the same or similar to the Character Counts or Character First! Education Series. The program must be secular in nature and stress such character qualities as attentiveness, patience, and initiative.

Character Education:

- ◆ Character Counts is an education initiative of the Josephson Institute of Ethics.
- ◆ The Character Counts Coalition produces character education curricula materials, including the basic classroom kit, available for approximately \$100 per kit (Kindergarten through grade 5) or approximately \$195 per kit (grade 6 to 8). Supplemental materials are available for an additional charge.

Additional character education teacher training programs designed for special needs and physically challenged students and parental classroom/home activities, are now in the development stages.

B. EFFECT OF PROPOSED CHANGES:

The committee substitute for HB 365 requires school boards to install a character-development program in elementary schools, similar to Character First or Character Counts. The program must be secular in nature and must stress such character qualities as attentiveness, patience, and initiative.

The committee substitute authorizes the instruction of ethics at the appropriate grade levels.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes, school districts are required to install a character-development program in elementary schools.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

A program is not eliminated or reduced.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

The bill does not purport to provide services to families or children.

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

This bill does not create or change a program providing services to families or children.

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Amends s. 233.061, F.S. and s. 233.0612, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Requires school boards to install a character-development program in elementary schools, similar to Character First or Character Counts. The program must be secular in nature and must stress such character qualities as attentiveness, patience, and initiative.

Section 2: Authorizes the instruction of ethics at the appropriate grade levels.

Section 3: Provides an effective date of July 1, 1999.

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Additional local funds would not be required to implement the program; however, funds would need to be diverted from other purposes for training, curriculum, and material purchases.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

Character development programs can be funded with existing resources; however, funds would have to be rediverted from other district priorities for program implementation. No additional state funds are required.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

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

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

HB 365 was amended in House Education K-12 Committee on March 10, 1999, and made into a committee substitute. The committee substitute differs from the bill in the following ways:

- ◆ Requires instruction in character-development programs similar to Character Counts in the elementary schools, and
- ◆ Includes ethics in authorized public school instruction.

An amendment adopted on the House floor adds in Character First as a character-development program to which the required instruction in elementary schools must be similar.

VIII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:

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