



# 2010 Legislative Briefing

FOR THE DUVAL COUNTY PUBLIC SCHOOLS

Report No. 7

MILLER CONSULTING GROUP

April 18, 2010

## REPORT INFORMATION

This is a report of the 2010 Legislative Session. The LEGISLATIVE BRIEFING is provided periodically during the regular session of the Florida Legislature.

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## SEVENTH WEEK OF SESSION

SB 6 overshadowed all else in the Capitol this week. School board lobbyists met with the Governor's Deputy Chief of Staff, David Foy and Education Policy Coordinator, Scott Kittel for an hour and a half on Monday to present information relating to the impact of SB 6 on the districts. Another meeting was held on Tuesday as Duval, the Central Florida Coalition of School Boards, and Florida Association of District School Superintendents presented formal letters and resolutions supporting a veto.

The Governor, we were told, was less interested in the fiscal impact on the districts as he was in the process by which the legislation passed and the impact on school personnel. The Governor's Veto message reflected those stated concerns. In his message stated that the bill "does encroach on local decision-making" and could result "in an infringement upon the constitutional authority of school boards." He also stated that the bill did not allow multi-year contracts and permanently decertified excellent teachers based on needing improvement.

His most damning comments centered around the process by which the bill was passed. He cited the speed by which the bill passed and the lack of "meaningful input" from the parties. His speech during the press conference strayed somewhat from the veto message by noting the number of meetings and hearings held at which concerns about specific provisions were not considered. He

cited the legislative process that reflected no interest by the leadership to entertain amendments that would have made the bill more palatable. He also compared the passing of this bill to that of the Federal Health Care bill that had been heavily criticized by the same persons who pushed through SB 6.

He delivered the speech with force and stern admonition. While he stated his support of the goals of the bill, he placed the legislature on warning that all parties were to be at the table and legitimate concerns addressed when the bill was rewritten.

## BUDGET

The budget-making process did not fare well this week. Conferencing that should have begun at the beginning of the week was postponed until the weekend.

[A budget conference is required when the two chambers do not agree on the substance, content, and wording of similar legislation that both sides agree is of paramount importance to the state. The budget is not only important, but it is the only issue required by the Florida Constitution to be passed during Session.]

The conference on the budget was scheduled to begin at the beginning of last week – 3 weeks before the Legislature is scheduled to adjourn. Before a budget conference can begin, the leaders must agree on a total amount of appropriation to give to each entity (pre k 12 education, higher education, health, civil and criminal justice, transportation, natural resources, and government operations). Because the Senate and the House used different revenue sources to build their budgets, the sticking points have been troublesome.

This year the disagreements have been regarding

the Seminole Gambling Compact (now resolved) and the nearly \$1 billion in extra Medicaid funding from the Federal government. The House has resisted placing the Medicaid money in its budget, citing that it has not yet arrived. Late this week, the Governor's Office, an earlier proponent of using this yet-received money, stated they also did not believe it was forthcoming.

In preparation for the conference process, several school board lobbyists met this week twice each with House and Senate appropriations staff to hash out our concerns. We argued and debated points of disagreement within the conforming bills (SB 1368 and HB 5101) as well as within the proviso language contained in the appropriations bills (SB 2700 and HB 5001).

The conference process normally can take a week-and-a-half to two weeks to complete, not including the 24 hours to rewrite the final agreement and the 72 hours that the Legislature must wait before voting on the measure. This process, already delayed for a week, fell apart just before the 10 AM organizational meeting on Saturday morning.

If there is agreement on the basic guidelines by Monday, the process could resume. However, the clock is ticking and there is very little time left to finish. During this period, it is normal that the committee and staff will work 24 hours a day to complete the budget. If it cannot be accomplished by the deadline, the Legislature must either come back in special session or extend the current session.

We were informed that one of the sticking points is the extent to which, if at all, the K – 12 budget and conforming bills should be impacted as the result of the SB 6 veto. One rumored scenario is they will divert some public schools dollars to higher education and another is they will make the penalty for failure to comply with CSR at the hard cap numbers as harsh as they can. The rumors are rampant – one must hit the refresh button every 15 minutes to keep up! We may face further actions that may not be in our best interests in the future.

### **BILL ACTION**

As was the case in the previous week, many bills were heard and prepared for action on the floor of

their respective chamber last week. In the House, the rules will not permit committees or councils to meet during the last two weeks. In the Senate, some committees will meet one more time. After this report, I will only report on actions taken on the floor of each house.

The following bills related to education were acted upon in committee or on the floor of the respective chamber:

### **Curriculum**

**HB 105**, Civics Education, would require students entering grade 6 in 12-13 to take a one semester course in civics education that includes specified content and to pass an EOC in 13-14. The school grade will be affected in 13-14 based on the aggregate scores of students who have been assessed. The bill had passed the House and was taken up by the Senate and substituted for **SB 1096**, and read a second time. The bill is scheduled for final passage this week.

**HB 1085**, Career and Education Planning, passed in House Education Council, would define exploration fields to be included in the Career and Education Planning course in the middle grades.

**HB 1287**, Accelerated Course Bonuses, passed in committee, was amended with the substance of **SB 1970**, which also was amended, and the bills are now identical. The bills had required districts to spend remaining dollars on large bonuses for the eligible teachers as opposed to spending the money on salaries and benefits that would enable us to continue the high cost programs. After being amended, the bills would decrease the weight factor of accelerated course, restrict the way the program dollars can be spent, and add a new cap of \$5000 for D and F school bonuses. The impact of the bills would be that many dollars would be left unspent because of the proposed new restrictions.

### **Other Curriculum**

**SB 2014**, Early Learning, passed in committee, would revise various provisions pertaining to AWI and Early Learning Coalitions and would establish the Gold Seal Quality Care under DCFS. **HB 1203** was scheduled for a hearing in the house Appropriations Council and may now be dead.

**HB 623**, Electronic Media, Passed in House Education Council, would require by 12-13, that electronic or computer hardware may be purchased with the instructional materials categorical only if it is for the sole purpose of curriculum delivery.

**SB 206**, Academic Signing Day, passed by the Senate, would encourage school districts to recognize students receiving academic scholarship on a specific day each year in April. **HB 55** is ready for floor action in the House.

#### Vouchers, Choice

**HB 1569**, Charter Schools, passed in House Education Council, was extensively amended in council without full debate or ability to answer questions in the absence of the bill sponsor. The chair promised members to have staff available to answer questions before the bill goes to the floor.

The bill would revise training requirements for charter school principals and CFO's, provide a 15 year charter for a high performing charter school, allow high performing charter schools to provide quarterly as opposed to monthly financial reports (public school districts are required to provide monthly reports), allow one governing board to oversee multiple charter schools in multiple school districts, allow the use of capital outlay dollars for the purchase of non-enterprise software (school districts are prohibited from this practice), and require school districts to reemploy support and administrative personnel who left to work for charter schools.

**SB 2262**, Charter Virtual School, passed in committee, would permit the establishment of charter virtual schools in school districts with school boards as the sponsor.

**SB 2746**, McKay Scholarships, passed in committee, would permit students entering kindergarten who received services in VPK and have IEP's to be eligible to receive McKay Scholarships. Private schools could face revocation of their approval as a provider under certain circumstances. **HB 1505** a similar bill, is on the House calendar.

#### Student Rights, Services

**HB 31**, Inspirational Message, passed in committee, prohibits school boards, administrators

and instructional personnel from taking "affirmative action" that infringes or waives the rights or freedoms afforded by the First Amendment" to the Constitution. **SB 1580** is scheduled for further action this week

**HB 467**, Teen Dating Violence & Abuse, ready for House floor action, would require a component in each district's health curriculum and a policy to provide professional development for staff. The policy would also prohibit dating abuse and violence on campus and at school activities. **SB 642** is still in Sen. Wise's Education Appropriations Committee.

**SB 1058**, School Notification, read a second time in the Senate, would require notification of the Director of Transportation and other impacted personnel by the Superintendent and of the bus driver by the school principal when a student is charged with a felony or a delinquent act that would be a felony if committed by an adult. An exemption in the public records act would be provided for agencies needing information regarding students. **HB 603** is scheduled for action in the House.

**HB 1061**, Suicide Prevention, passed in House education Council, would require direct access to material pertaining to suicide prevention to all administrators and teachers. **SB 434** is ready for committee action.

**HB 747**, Students with Diabetes, passed in the full House, would prohibit school districts from assigning students to schools on the basis that the students have diabetes and would permit students to manage their diabetic condition on school grounds with physician and parental permission. **SB 896** is scheduled for a committee hearing.

**SB 2320**, Dress Code, passed in committee, would require state board rule and school board policy to address the issue of dress code for students and to establish disciplinary measures for students whose dress results in revealing underwear. **HB 1255** has not been heard.

#### Other

**SB 2042**, College and Career Transition Assistance, passed in committee, would establish a school-to-work program in schools, charter schools, or DJJ programs and establish an

endowment fund for that purpose. **HB 1041** has not been heard.

**SB 1060**, Education Compact, passed in committee, would revise the education compact to remove the section on public records and meetings that does not comply with current Florida law. **HB 521** is on the House calendar.

#### Personnel

**HB 723**, Tuition Waiver, passed in committee, would provide a tuition waiver for up to 6 semester hours for public school teachers for undergraduate courses. **SB 2102** is still in committee.

**SB 2580**, Group Health Insurance, passed in committee, would require school districts to form consortia to procure health insurance programs. The consortia would be comprised of school board members, superintendents, and employees selected by the FEA. School Boards may opt out of purchasing insurance through the consortia. **HB 1021** has not been heard in committee.

#### Public Records, Government

**SB 1142**, Procurement, passed in committee, would exempt bids from the public records law.

#### Operations

**HB 1619**, Farm Fresh Schools Program, passed in House Education Council, would encourage school district food service programs to purchase from Florida farms and to make reasonable efforts to select foods based on nutritional value. **SB 140** is on the Senate calendar for floor action.

**HB 1157**, Prompt Pay, passed in House Economic Development Council, would revise timely payment for purchases of construction services and prohibit damages against a contractor if the item list is not timely provided to the contractor. **SB 1056**, a similar bill, is scheduled for another hearing in the Senate.

**SB 1706**, State Financial Matters, read a second time in the Senate, would prohibit, without express legislative authority, contracting to pay liquidated damages resulting from a breach or early termination of a contract or from paying interest because of insufficient budget authority to pay the obligation.

**SB 1964**, Design Professionals, passed in the full Senate, would limit liability of engineers, surveyors, and architects for economic damages resulting from design defects. **HB 701** a similar House bill, has been placed on the House calendar for floor action.

**SB 1074**, Fire Safety, passed in committee, would reduce duplicative fire safety inspections of schools and add training requirements for school district fire inspectors. **HB 531** is in committee.

**SB 2356**, Plant Surveys, passed in committee, would establish criteria for seeking an extension of the deadline for educational plant surveys and would prohibit districts from contracting for new projects during the extension period. **HB 1233** is on the house calendar.

**SB 1806**, Vocational Rehabilitation / SMART Schools, passed committee and is on the Senate calendar, would revise provisions of law that are obsolete and would conform other provisions with federal law relating to vocational rehabilitation and SMART Schools. **HB 7037** has passed the House.

#### Finance, Budget

**SB 622**, Seminole Compact, passed in the full Senate, would codify the agreement reached with the Seminole tribe on revenue for the state from gaming. **HB 7221** is on the House calendar.

**SB 2408**, Financial Transparency, passed in committee, would require the Auditor General to provide to the Legislature a list of school districts that are not in compliance with financial transparency requirements.

#### RETIREMENT ISSUES

There was still no action on retirement issues. To date, only the issues last reported are still in play:

**SB 2022:** would require a contribution by all state workers (including school board employees AND including vested personnel) toward their FRS retirement. The rate would be .25 %. We have heard that this rate could go up to 1%.

**HB 5701:** would eliminate the health insurance subsidy of up to \$150. This would apply to new

retirees effective July 1 and to all current retirees on January 1, 2011.

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**SB 1902:** would eliminate the counting of overtime and accumulated leave (AL and SL) toward retirement.

No other issues are moving **right now**.

**CAUTION: Please advise anyone planning on making a change in their retirement plans based on assumptions about pending legislation, including plans for DROP, to proceed with caution. It would be advisable to wait until the second week of May, if possible. Some employees may have a deadline for their enrollment in DROP – they should stay tuned before making a decision.**

**I will know more as the end of the Session nears.**

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*If you have any questions or comments, please let me know. I can be reached at my e mail address below.*

*Martin E. Miller  
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