

January 13, 2012

MEMORANDUM

TO: District School Superintendents
FROM: Joy Frank
RE: Legislative Update

General Information

The General Revenue Estimating Conference met yesterday. According to the executive summary, total General Revenue has been running slightly over estimate since the October General Revenue Estimating Conference. Overall, the adjustments to the forecast indicate an economy that is still in an abnormally slow recovery. The growth rates have remained largely unchanged.

The good news is that the budget forecasts remain basically the same and that the economy is ever so slowly recovering. However, public education and other state programs (Medicaid, in particular) have significant needs that must be addressed. These include funding additional new students and replacing the Federal Jobs Funds, among others.

The House is scheduled to release preliminary/draft budgets next week. The Senate is just beginning the process.

The House Education substantive committees are focusing on higher education issues. In fact, the education subcommittees did not meet this week and are not meeting next week.

Below are actions taken on bills in committee and session this week related to education.

Senate Bills

SB 96 by Senator Negrón relates to the Commissioner of Education. Proposed amendment to Florida Constitution would restore office of Commissioner of Education as elected post and Cabinet member; and would recreate SBE from membership of the state Cabinet and the Governor.

The bill was not considered by the Senate PreK-12 Education Committee. Later in the week, Senator Negrón announced that he was not going to pursue the issue. Consequently, the issue is probably dead this session. The House companion by Rep. Albritton has only been introduced.

SB 98 by Senator Siplin relates to Education. This bill permits district school boards to adopt resolutions that allow student volunteers to deliver inspirational messages, including prayers, at secondary school level gatherings, such as at commencements.

If adopted, the resolution must provide that:

- The use of a prayer of invocation or benediction is at the discretion of the student government;
- Student volunteers will deliver all prayers;
- All prayers of invocation or benediction must be nonsectarian and nonproselytizing in nature; and
- School personnel may not participate in, or otherwise influence any student in determining whether to use prayers.

The bill passed the Senate Judiciary Committee favorably as a committee substitute. The bill has already been considered by the Senate PreK-12 Education Committee.

SB 206 by Senator Negron relates to Public Meetings. The bill provides that members of the public be given an opportunity to be heard on a proposition before a board or commission. The opportunity to be heard does not have to occur at the same meeting at which the board or commission takes official action if the opportunity occurs at a meeting that meets the same notice requirements as the meeting at which the board or commission will take official action on the item. Also, the opportunity to be heard must be during the decision-making process and within reasonable proximity to the meeting at which the board or commission takes official action. The bill provides that a resolution, rule, or formal action is not binding unless the board or committee complies with the opportunity to be heard.

The bill permits a committee or board to enact reasonable rules or policies to ensure the orderly conduct of public meetings. However, the bill requires boards or commissions subject to the Administrative Procedures Act to adopt rules governing the opportunity to be heard. If a board or commission adopts rules or policies in compliance with the law and follows the rules or policies when providing an opportunity for the public to be heard, it is presumed that the board or commission is acting in compliance with the requirement that citizens be given the opportunity to be heard.

The bill passed the Senate Rules Subcommittee on Ethics and Elections favorably as a committee substitute.

SB 292 by Senator Bennett relates to Effective Public Notices by Governmental Entities. The bill was substantially amended in committee and now requires that each legal notice must be placed on a newspaper's website on the same day the notice appears in the newspaper. The bill includes additional requirements relating to legal notices placed on the website.

The bill passed the Senate Community Affairs Committee favorably as a committee substitute.

SB 344 by Senator Montford relates to Public School Buses. The bill authorizes commercial advertisements to be placed on the exterior of a school bus, according to district school board policies that delineate the content, placement, number, and cost of advertisements. If a bus does not comply with these requirements, it must be withdrawn from use until compliance is met. The bill was amended relating to the allocation of the advertising revenue. All revenue from a contract shall be remitted to the respective school district, with 50 percent allocated for school district transportation, 25 percent allocated for programs as determined by the school district, and 25 percent allocated to the school district foundation for the creation of an endowment that provides income from the interest which is matched by corporate or individual gifts.

The bill passed the Senate PreK-12 Committee favorably as a committee substitute. **The House companion, HB 19 by Rep. Nelson was considered by the House PreK-12 Education Appropriations**

Subcommittee. The bill is similar, but the distribution of revenue is different. School districts must allocate 50 percent of the revenue generated through advertisements on school buses to school district transportation; 40 percent to other programs as determined by the school district; and 10 percent to the district's driver education program, of which 30 percent must be allocated for behind the wheel instruction. If a district does not offer a driver education program, the 10 percent allocated for that program may be allocated for other programs as determined by the district.

SB 366 by Senator Gaetz relates to Group Insurance by Public Employees. The bill requires each school district to enter into an interlocal agreement to establish a consortium through which every school district must purchase health, accident, and hospitalization insurance for school district officers and employees, unless a school board determines that purchasing such insurance outside the consortium plan is financially advantageous to the school district. The bill also specifies that collective bargaining is required consistent with Chapter 447, F.S.

The bill passed the Senate Budget Subcommittee on PreK-12 Education favorably.

SB 492 by Senator Braynon relates to Education Law Repeals. Repeals requirement that school board offer any sport or athletic activity for which a Florida College System institution or state university provides scholarships, if the school board offers a similar sport. Repeals similar requirement for state college institutions. The staff analysis said that these requirements began with women's softball – slow pitch and fast pitch.

The bill passed the Senate PreK-12 Education Committee favorably.

SB 536 by Senator Flores relates to Sale or Distribution of Obscene Materials to Minors. Provides that it is a 3rd degree felony for person to sell/distribute obscene material to minor or post obscene materials on public and private school property.

The bill passed the Senate PreK-12 Education Committee favorably with one technical title amendment.

SB 554 by Senator Ring relates to Disability Awareness. The bill requires school boards to provide disability history and awareness instruction in all K-12 public schools, beginning with the 2013-2014 school year. The bill also requires DOE to establish a disability history and awareness advisory council. The bill was amended to revise the council membership. The bill requires regional representation. The amendment basically has the council consist of members from the Florida Youth Council, a group of young people ages 15 to 17, and emerging young leaders ages 18 to 30, who live in Florida and have disabilities or special health care needs.

The bill passed the Senate PreK-12 Education Committee favorably as a committee substitute.

SB 962 by Senator Benaquisto relates to the Florida Tax Credit Scholarship Program. Increases the tax credit cap from \$140 million to \$250 million. There was one technical amendment.

The bill passed the Senate PreK-12 Education Committee favorably as a committee substitute. Senator Montford posed a series of questions relating to accountability for schools receiving corporate scholarship funds. He also argued for the receipt of such funds by public school/district foundations. Senator Bullard also argued against increasing the cap.

SB 7040 by Governmental Oversight and Accountability Committee relates to State Retirement and is a glitch bill for the statutory changes made to the Florida Retirement System. Of interest to school districts are the following provisions:

The bill amends s. 121.055, F.S., to clarify that a retiree of a state-administered retirement system who is elected or appointed for the first time to an elective office in a regularly established position with a covered employer may not be enrolled as a renewed member in any state-administered retirement system.

The bill amends s. 121.055, F.S., by specifying a date for clarity and clarifies that loans and hardship withdrawals are prohibited in the Senior Management Service Optional Annuity program.

The bill amends s 121.071, F.S., to clarify that that loans and hardship withdrawals are prohibited in the FRS.

The bill amends s. 121.091, F.S., to adjust the DROP deferral ages for members enrolled after July 1, 2011, for those entering DROP based on years of service instead of normal retirement age. This change makes the DROP deferral age 5 years before normal retirement age - age 55 for Special Risk Class members and age 60 for all other members, which will line up the DROP deferral age with the normal retirement ages.

The bill amends s. 121.122, F.S., to clarify that a retiree of a state-administered retirement system who is initially reemployed in a regularly established position on or after July 1, 2010, may not be enrolled as a renewed member.

The bill amends s. 121.35, F.S., to clarify that that loans and hardship withdrawals are prohibited in the State University System Optional Retirement Program. The bill also provides a definition of the term "benefit," to clarify when distributions received by a member prohibit enrollment as a renewed member in a state-administered retirement system.

The bill amends s. 121.4501, F.S., to clarify that a retiree of a state-administered retirement system initially reemployed in a regularly established position on or after July 1, 2010 is not eligible to participate in a state-administered retirement system.

The bill amends s. 121.591, F.S., clarify that that loans and hardship withdrawals are prohibited in the FRS Investment Plan.

The bill will be filed by the committee.

Senate Session

SB 260 by Senators Wise and Sobel relates to deaf and hard-of- hearing students. The committee substitute creates the Deaf and Hard-of-Hearing Children's Educational Bill of Rights. It requires the Department of Education to develop model communication considerations for students who are deaf or hard-of-hearing. The model would become a part of the individual educational plan process for a student who is deaf or hard-of-hearing.

The bill passed the full Senate without any amendments. The companion, HB 315 has not been heard.

SB 368 by Senator Gaetz relates to financial emergencies. This bill allows entities in a state of financial emergency to consult with other governmental bodies regarding the consolidation of administrative and support services. Plans created to end a financial emergency must include provisions implementing any consolidation, sourcing, or discontinuance of administrative direction or support services. In addition, this bill provides that governing board members who fail to resolve a financial emergency may be suspended from office by executive order.

The bill passed the full Senate without any amendments. **The House companion, HB 7031 has not been heard.**

House

HB 273 by Rep. Kiar relates to student safety. The bill requires the agency responsible for notifying a school district for each type of emergency to be listed in each district school board's emergency response policy and in its model emergency management and preparedness procedures. The emergency response agencies listed must notify private schools in the school district of occurrences that threaten student safety if the private school requests such notification by opting into the district school board's emergency notification procedures.

The bill passed the House Community and Military Affairs Subcommittee favorably.

HB 541 by Rep. Brandes relates to administrative procedures. The bill provides that the online version of the Florida Administrative Code is the official version for the state. The Department of State is no longer required to publish a printed version of the Florida Administrative Code.

In addition, the bill changes the name of the Florida Administrative Weekly to the Florida Administrative Register. The online version of the Florida Administrative Register is the official version. The Department of State may no longer provide free print copies of the Florida Administrative Register to federal and state government entities. A printed copy of the Florida Administrative Register may be made available on an annual subscription basis.

The bill provides that the Department of State is no longer responsible for reviewing agency submissions to the Florida Administrative Register for formatting, grammatical, or typographical errors. Agencies are responsible for proofreading their documents and assume full responsibility for the accuracy of documents submitted.

The bill passed the House Subcommittee on Government Operations favorably.