

EMERGENT DESIGN AND DEVELOPMENT

Legislative Update

June 19th 2009

Now that the session is over, we can sit back and say that it wasn't as bad for education as it could have been. That is, of course, if it is really over. Many in Tallahassee believe that there will be a special session to reduce the budget. Indicators are that there will be a shortfall on the revenue side which will be significant enough to force a special session. If that is true, education will not be in a position to be held harmless.

FINAL BILL RESULTS

We began the 2009 Session with approximately 300 education bills, of which 29 passed both Houses of the Florida Legislature. To date, the Governor has signed 23 bills into law and he has 6 bills on his desk for his consideration. He has received all of the educational bills that we are tracking. He has not yet vetoed any of the bills that we are tracking.

SIGNIFICANT BILLS

Full text of all bills can be found easily by going to the Florida Senate web site and clicking on bills. By entering the bill number, you will be able to see (or even print) the entire bill. Be sure to click on the enrolled copy.

SB 1676 (signed into law) Relates to Conforming Legislation, which has the effect of changing Florida Statute. This bill resulted in at least 60 changes in statute. This was somewhat unusual since, historically, the conforming bill only addresses legislation passed during the session. This bill addressed many other issues. This bill is where you can find changes relating to:

Delay of class size reduction for one more year (also a change in the penalty formula)

Changes in the virtual school law (at least 12 changes)

Pre-K clarifications

New school food service requirements

Changes in FIRN

Salary adjustments for School Boards and Superintendents

Flexibility in the 180 day student year and the 196 day teacher year

Reduction in capital millage by .25 mill, while creating availability of a new .25 mill levy

Teachers may voluntarily waive recognition of in-state experience

Repeals the requirement to recognize out-of-state experience

Changes the definition of instructional materials (broadens the definition beyond text books)

Sets specific requirements in an effort to limit out-of-state travel and cell phone expense

Sets specific requirements for the length of contracts for school administrators

Extends instructional materials flexibility to March 1, 2010

Removes the \$100 Fee cap for teacher exams

HB 479 (signed into law) Relates to retirement benefit limitations. It is important that all educators understand this law. School districts will be sending you information on how it will impact you.

- It maintains the current system for all retirees if the retirement occurs prior to July 1, 2010. However, if rehired after July 1, 2010, you cannot rejoin FRS.
- If you retire after July 1, 2010, you cannot work for a FRS employer for 6 months and you cannot receive retirement checks for months 7-12. You cannot reenter FRS.
- Employees enrolled in the PEORP program that withdraw benefits, may not reenter any retirement program.

HB 991 (signed into law) Relates to differentiated accountability. All schools, not just Title 1 will be held to the standards of No Child Left Behind. DOE will categorize all schools based upon a combination of the State system and this Federal requirement.

- The lowest levels of schools will receive intensive intervention. The DOE will be actively involved with identification and interventions.

HB 453 (signed into law) Relates to Corporate Tax Scholarships. It expands the program to include insurance companies that wish to join. It also expands the pool of eligible students. It does not however, expand the existing cap of \$118 million allowed for use of this program or the amount of each voucher.

SOME OTHER BILLS WITH INTEREST

HB 135 (signed into law) exempts personal identifying information of dependent children of employees from public records requests.

SB 216 (signed into law) Relates to campaign funding for a referendum by local governments or public funds.

HB 227 (signed into law) Requires the government (School Board) to prove, by a preponderance of the evidence that any impact fee meets the state requirements

SB 278 (on the Governor's desk for action) holds charter schools to the same financial emergency statutes and laws as Public schools.

SB 316 (signed into law) authorizes the Commissioner of Education to award a standard high school diploma to honorably discharged veterans of the Vietnam War.

SB 360 (signed into law) Relates to growth management. This bill is designed to make it easier for agencies to develop and implement land use plans. It was passed to assist in speeding up recovery of Florida's economy.

HB 611 (signed into law) revises the thresholds for government construction projects which must be bid. By raising this threshold, it is hoped that there will be a speed up of local construction projects which will speed up economic recovery.

HB 701 (signed into law) revises the form of the proposed property tax, by including additional information relating to past and proposed millage rates

HB 807 (signed into law) requires the Office of Program Policy Analysis and Government Accountability to study the effectiveness of the Florida Kidcare Program. They are to note deficiencies and identify options for corrections.

SB 810 (signed into law) Relates to unemployment compensation and requires that employers pay additional unemployment taxes for the next 5 years. This is an effort to bring the fund balance of this program into balance. The fund is expected to run a deficit for the next 5 years.

HB 895 (signed into law) Creates a public records exemption for information relating to investigations regarding testing impropriety. The information would be confidential only as long as the investigation is active.

HB 903 (signed into law) Relates to attorney fees charged in worker's compensation cases. The result is that limits now exist on the fee. This should result in cost savings to districts.

SB 918 (signed into law) Relates to the Florida Kidcare program by making changes that modify enrollment procedures, income verification, and eligibility determination.

SB 1128 (signed into law) Relates to the education of children in foster care or shelters. The law allows access to confidential records and reports by local school employees who are designated as liaisons between the school district, DCF, and the principal of the child's school. The law also addresses ESE placement.

SB 1248 (on the Governor's desk for action) relates to the collection of money for lost or damaged textbooks. The law requires recovery of the full purchase price. Students may be suspended from extracurricular activities or the student may satisfy the debt thru community service.

HB 1539 (signed into law) creates an opportunity and encourages high school athletic coaches to complete a sports safety course.

HB 1540 (signed into law) clarifies that School Districts zero tolerance policies do not require school districts to report to law enforcement, acts of petty misconduct and misdemeanors such as: disorderly

conduct, disruption, simple assault or battery, a public brawl of fight, theft of less than \$300, Trespassing and vandalism. These are examples but districts will set their guidelines.

SB 1616 (signed into law) Relates to changes in the law regarding career and adult education to more accurately reflect actual practice, comply with federal requirements, and clarify program responsibility. The DOE division name is changed to the Division of Career and Adult Education.

SB 1802 (signed into law) Sets the employer contribution rate for retirement contribution for 2009 at the same rates as 2008 instead of the planned increase.

SB 2188 (signed into law) Relates to changes in the Administrative Procedures Act. (impacts School Boards). This law requires changes in meeting notice, agenda posting, staff availability, and effective date of rules to implement federal laws or regulations.

SB 2538 (on the Governor's desk for action) will require the DOE to annually rate Supplemental Educational Service providers. The rating will be based upon student learning gains, student completion, parent, and principal surveys.

SB 2602 (signed into law) The implementing bill for the 2009-2010 General Appropriations Act.

SB 2666 (on the Governor's desk for action) Relates to construction management. (Applies to School Boards) The bill allows continuing contracts for construction projects if the individual project does not exceed \$2 million.

HB 7089 (on the Governor's desk for action) Relates to Exceptional Student Education and IDEA compliance. The law revises due process hearings, discipline and placement requirements, and compliance procedures.

HB 7117 (on the Governor's desk for action) Relates to student records law and aligns Florida records law with FERPA (Family Educational Rights and Privacy Act)

THE BUDGET

Governor Crist signed the \$65.5 Billion dollar budget into law. He did not veto any education item. He did veto legislation that would have reduced the pay of higher salaried governmental workers and legislation that would have transferred \$8 million dollars from the fees collected in relation to concealed gun permits, into the overall budget. The financial impact of these vetoes may lead to a special session. The major concerns regarding this budget are the movement of instructional materials and transportation into the BSA which artificially inflates the number. Also the movement of .25 mills from local to state revenue. The use of a huge amount of stimulus money in order to balance the budget causes concern regarding what will happen in two years, when federal funds will not be available.