

FLORIDA SCHOOL BOARDS ASSOCIATION

Legislative Briefing Bill Packet

January 25, 2012

FSBA Staff gives heartfelt thanks to the members of FELL – Florida Education Legislative Liaisons – for their help in drafting many of these summaries. Special thanks are extended to Darwin Boothe, Wendy Dodge, and Jim Hamilton

PROPOSED CONSTITUTIONAL AMENDMENTS

HJR 41 – Naming of Public Buildings and Facilities by Caldwell ([SJR 1020](#) by Garcia)

The bill proposes the creation of Section 28, Article X of State Constitution that prohibits naming a publicly owned building, road, bridge, park, recreational complex, or other similar facility after a person who has not been deceased for at least 5 years unless approved by a four-fifths vote of the governing body naming the building or facility, except that no such building or facility may be named after a public officer while that person is in office.

STATUS: HJR 41 – Awaiting Hearing in Committees of Reference
SJR 1020 – Awaiting Hearing in Committees of Reference

SJR 96 – Commissioner of Education by Negrón ([HJR 305](#) by Albritton)

The bill proposes amendments to Sections 3 and 4 of Article IV and Section 2 of Article IX, and the creation of Section in Article XII of the State Constitution to provide for the statewide election of the Commissioner of Education and the inclusion of the Commissioner of Education as a member of the Cabinet of this state. The bill provides for the election of the Commissioner in 2014.

STATUS: SJR 96 – Temporarily Postponed in Education PreK-12 Committee
HJR 305 – Awaiting Hearing in Committees of Reference

SJR 314 – Ad Valorem Taxation by Simmons

The bill proposes amendments to Sections 4 and 6 of Article VII and Section 27 of Article XII and the creation of two new Sections in Article XII of the State Constitution to allow the Legislature, by general law, to prohibit increases in the assessed value of homestead and specified nonhomestead property if the just value of the property decreases. The bill also reduces, from 10 percent to 7 percent, the limitation on annual assessment increases applicable to nonhomestead real property. In addition, the bill provides owners of homestead property an additional homestead exemption, for all levies other than school district levies, in an amount equal to 30 percent of the homestead property's just value between \$75,000 and \$200,000, plus 15 percent of the homestead property's just value between \$200,000 and \$400,000. The Legislature may adjust the amount of the additional homestead exemption but may not reduce it below by more than the difference between the just value of the property and its assessed value. *[Linked to [SJR 312](#) which would rescind and withdraw HJR 381 [2011], which is currently listed as Amendment 4 on the 2012 ballot]*

STATUS: SJR 314 – On the Agenda in Finance & Tax for 1/25/12

HJR 785 – Term Limits / County Officers by Wood ([SJR 1070](#) by Ring)

The bill proposes an amendment to Section 1 of Article VIII of the State Constitution to authorize the imposition of term limits on specified constitutional county officers – including the sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court – and on county commissioners when provided by county charter. *[At this time, the bill does not apply to an elected district school superintendent or to school board members]*

STATUS: HJR 785 – In Economic Affairs Committee
SJR 1070 – Awaiting Hearing in Committees of Reference

HJR 1377 – Religious Freedom by Plakon ([SJR 1696](#) by Altman)

The bill proposes an amendment to Section 3 of Article I of State Constitution to conform to the religious freedom provision of First Amendment in U.S. Constitution. The amendment would delete the prohibition against using revenues from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution. *[NOTE: Amendment 7 has been stricken from the November 2012 ballot and has been replaced by Amendment 8]*

STATUS: HJR 1377 – Awaiting Hearing in Committees of Reference
SJR 1696 – Awaiting Hearing in Committees of Reference

[NOTE: Amendments to the State Constitution by joint resolution must be approved by three-fifths vote of the membership of each house.]

FUNDING

HB 1 -- Public School Funding by Weinstein (SB 242 by Dockery)

The bill requires OPPAGA to conduct study to determine the minimum per-student funding needed to meet constitutional requirements. OPPAGA must submit a report to Legislature by 12/1/12.

STATUS: HB 1 – Awaiting Hearing in Committees of Reference
SB 242 –Awaiting Hearing in Committees of Reference

HB 19 -- Public School Buses by Nelson (SB 344 by Montford)

The bill authorizes commercial advertisements to be placed on the exterior of a school bus according to school district policy. The bill requires that the school district policy to must address, at a minimum, reimbursement for all costs incurred for the support of the advertising, specified content restrictions on advertisements, and standards related to the number, design, placement, and size of advertisements. Any bus that is not in compliance with these requirements must be withdrawn from use until compliance is met. School districts must allocate a specified percentage of the revenue generated through such advertisements to school district transportation, to other programs as determined by the school district, to the district's driver education program, and/or to the school district foundation to create an endowment that provides income from interest that is matched by corporations or individuals.

STATUS: HB 19 – On the Agenda in Education for 1/26/12
SB 344 – In Education PreK-12 Appropriations Subcommittee

HB 321 – Streamlined Sales & Use Tax Agreement by Rehwinkel Vasilinda (SB 430 by Lynn)

The bill revises Florida's sales and use tax policies, applications, exemptions, definitions, and procedures to comply with requirements for with the Streamlined Sales and Use Tax Agreement in order to place Florida in a posture to collect sales and use tax on internet and remote sales. (Linked to HB 323 by Rehwinkel Vasilinda and SB 126 by Lynn which urge Congress to enact legislation to authorize states that have complied with the Streamlined Sales and Use Tax Agreement to require out-of-state sellers to collect each such state's sales and use tax.)

[See also HB 861 by Horner and SB 1352 by Detert; HB 1085 by Steube and SB 1514 by Detert. In addition, HB 1181 – Revenue-Neutral Tax Reform by Costello would apply this revenue to replace local school millage revenue)]

STATUS: (All Listed Bills Are Awaiting Hearing in Committees of Reference)

HB 407 – Funds for Operation of Workforce Education Programs by Logan (SB 662 by Braynon)

The bill deletes a restriction on funding for coenrolled students by providing that a student who is coenrolled in a K-12 education program and an adult education program may be reported for purposes of funding in an adult education program. A student who is coenrolled in core program areas for credit recovery or dropout prevention purposes may be reported for funding for up to two courses per student. [See also *HEAS1* which extends exception to the restriction through 2013-14]

STATUS: HB 407 – Awaiting Hearing in Committees of Reference
SB 662 – Awaiting Hearing in Committees of Reference

SB 512 – Class Size by Bogdanoff (HB 4135 by Campbell)

The bill revises the calculation formula for the penalty for school districts that do not meet constitutional class size requirements. The bill deletes the base student allocation amount as a factor in the calculation formula but retains the amount of the class size categorical allocation as a factor in the calculation formula. The bill deletes the provision that requires the Commissioner of Education to prepare a reallocation of funds for school districts that have met the class size requirements and deletes the provision that adds remaining funds to a school district's class size categorical allocation if the school district submits a certified plan to the commissioner. [See also *PKAS1* which extends the current penalty calculation using 50% of the base student allocation (rather than 100%) through 2013-14]

STATUS: SB 512 – Awaiting Hearing in Committees of Reference
HB 4135 – Awaiting Hearing in Committees of Reference

GOVERNANCE & LOCAL CONTROL

SB 98 Education / Prayer by Siplin ([HB 317](#) by Van Zant)

The bill provides that any district school board may adopt a resolution allowing the use of an inspirational message, including, but not limited to, prayers of invocation or benediction, at secondary school commencement exercises or any other noncompulsory student assembly. The resolution must provide that the use of an inspirational message is at the discretion of the student government, that all inspirational messages will be given by student volunteers, and the content of any inspirational message will be at the discretion of the student volunteer. The bill provides that school personnel may not participate in, or otherwise influence any student in, determining whether to use a prayer of invocation or benediction as an inspirational message, may not participate in selecting which student volunteer will give an inspirational message, and may not influence the content of an inspirational message.

STATUS: SB 98 – Placed on Calendar on 2nd Reading

HB 317 – Awaiting Hearing in Committees of Reference

HB 153 – Preference for Florida Businesses by Hooper ([SB 538](#) by Bogdanoff)

The bill expands the application of the in-state vendor printing preference to each county, municipality, school district, or other political subdivision of this state. Each agency, county, municipality, school district, or other political subdivision must apply the in-state vendor printing preference when soliciting printing contracts. The preference is set at 5 percent if the lowest bid is submitted by a vendor whose principal place of business is located outside of Florida and if the printing can be performed in Florida at a level of quality comparable to that obtainable from the vendor submitting the lowest bid located outside the state. The bill also requires state agencies, counties, municipalities, school districts, and other political subdivisions to utilize the in-state vendor preference for the procurement of personal property. Further, the bill provides that agencies, counties, municipalities, school districts, and other political subdivisions must give a vendor whose principle place of business is in Florida and who offered the lowest bid, a preference to the same extent as an out of state vendor would receive in his or her home state. [See also [HB 673](#) by Brodeur and [SB 1460](#) by Simmons which address preferences for construction services]

STATUS: HB 153 – On the Agenda in the Government Operations Subcommittee for 1/25/12

SB 538 – In General Government Appropriations

SB 206 -- Public Meetings by Negron ([HB 355](#) by Kiar)

The bill provides that members of the public must be given a reasonable opportunity to be heard on a proposition before the 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, but it must be during the decision-making process and within reasonable proximity before the meeting at which the board or commission takes official action. The bill specifies that a resolution, rule, or formal action is not binding unless the board or committee complies with the opportunity to be heard. The opportunity to be heard is not required in an emergency situation, when the official act involves no more than a ministerial act, or at a meeting in which the board or commission is acting in a quasi-judicial capacity with respect to the rights or interests of a person, except as otherwise provided in law. The bill provides that boards or commissions subject to the Administrative Procedures Act must to adopt rules governing the opportunity to be heard. Such rules or policies must be limited to rules or policies that limit the time that an individual has to address the board or commission, require, at meetings in which a large number of individuals wish to be heard, that a representative address the board or commission, or prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard, to indicate his or her position on the proposition, and to indicate his or her designation of a representative to speak for him or her. The bill does not create a new crime or civil penalty for failing to provide the opportunity to be heard.

STATUS: SB 206 – In Governmental Oversight & Accountability Committee

HB 355 – On the Agenda in Governmental Operations Subcommittee on 1/25/12

SB 368 – Local Government Financial Emergencies by Gaetz (*HB 7031 by Hukill*)

The bill deletes one of the statutory triggers for financial emergency relating to a deficit fund balance or net assets balance, and requires auditors to consider that same condition in determining whether deteriorating financial conditions exist that are required to be discussed with the entity's governing body. The bill provides that, upon notification of the existence of one or more of the remaining conditions indicating a financial emergency, the Commissioner of Education must contact the district school board to determine what actions have been taken by the school board to resolve or prevent the condition. The bill specifies that the information requested must be provided within 45 days after the date of the request. If the district school board does not comply with the request, the Commissioner must notify the members of the Legislative Auditing Committee who may take action pursuant to s. 11.40, F.S. relating to further investigation and possible sanctions. The bill authorizes a financial emergency review board to consult with other governmental entities for the consolidation of all administrative direction and support services and authorizes the Commissioner of Education to require a district school board to develop a plan implementing the consolidation, sourcing, or discontinuance of all administrative direction and support services. The bill also provides that the failure of the members of a district school board to resolve a state of financial emergency constitutes malfeasance, misfeasance, and neglect of duty for purposes of s. 7, Art. IV of the State Constitution, making the members of the district school board subject to suspension or removal from office.

STATUS: SB 368 – Passed the Senate, in Messages to the House

HB 7031 – On the Agenda in Finance & Tax Committee for 1/26/12

HB 383 – Public School Flexibility by Baxley

The bill addresses a variety of issues and is intended to provide flexibility in school district operations. Specifically, the bill:

- Prohibits the State Board of Education from adopting rules that would require any school or school district to redirect local, state, or federal funding in order to comply with the rule;
- Deletes requirement that the opening date for schools in the district may not be earlier than 14 days before Labor Day each year;
- Provides that calculation for compliance with class size maximums for certain public schools of choice shall be average at school level;
- Deletes the requirement that physical education for elementary school students must be provided for at least 30 consecutive minutes each day;
- Eliminates limitations relating to transfer of categorical funds to provide that funds received for any categorical program may be transferred;
- Revises provisions relating to student station and auxiliary facility space allocations;
- Provides that school district is not required to comply with State Uniform Building Code for Public Educational Facilities Construction.

STATUS: HB 383 – Awaiting Hearing in Committees of Reference

HB 431 – Joint Use of Public School Facilities by Nehr (*SB 808 by Nelson*)

The bill encourages each district school board to adopt written policies to promote public access to the outdoor recreation and sports facilities on public school property. School districts are also encouraged to increase the number of joint use agreements entered into with a local government or a private organization. The bill provides that, within 30 days of adopting a public access policy or entering into a joint use agreement, a district school board must submit a copy of the policy or agreement to DOE. DOE is required to develop a model joint use agreement and post the model agreement on its website along with all district school board public access policies and joint use agreements. DOE must also develop criteria for the acceptance of grants for implementing joint use agreements and post the criteria on its website. The bill provides that a district school board is not liable for civil damages for personal injury, property damage, or death that occurs on a public school property unless gross negligence or intentional misconduct on the part of the district school board is a proximate cause of the damage, injury, or death.

STATUS: HB 431 – On the Agenda in K-20 Competitiveness for 1/25/12

SB 808 – Awaiting Hearing in Committees of Reference

SB 620 – District School Boards by Latvala (**HB 1357** by *Glorioso*)

The bill provides flexibility for the date for the annual organizational meeting of the school board. The bill provides that, at a publicly noticed meeting after the first Tuesday after the first Monday in November, but before the end of November, the district school board must hold its organizational meeting.

STATUS: SB 620 – Awaiting Hearing in Committees of Reference
HB 1357 – Awaiting Hearing in Committees of Reference

HB 1059 – Background Screening / Noninstructional Contractors by Perry (**SB 1610** by *Dean*)

The bill requires DOE to create a uniform, statewide identification badge to be worn by noninstructional contractors signifying that a contractor has met the screening requirements for access to school grounds when students are present. The school district must issue an identification badge to the contractor, which must bear a photograph of the contractor. The bill provides that the badge must be recognized by all school districts and must be visible at all times a noninstructional contractor is on school grounds. The badge is valid for a period of 5 years. If a noninstructional contractor becomes disqualified for access to school grounds when students are present, the contractor must, within 48 hours, return the identification badge to the school district that issued the badge. The bill provides that DOE must determine a uniform cost that a school district may charge a noninstructional contractor for receipt of the identification badge.

STATUS: SB 1059 – On the Agenda in K-20 Competitiveness for 1/25/12
HB 1610 – Awaiting Hearing in Committees of Reference

HB 1243 – Opening and Closing of Public Schools by Metz (**SB 1468** by *Montford*)

The bill provides that, notwithstanding the requirement that the opening date for schools in the district may not be earlier than 14 days before Labor Day each year, a district school board may advance the opening date for schools in the district by the number of days necessary to enable students to complete all classwork and assessments for fall-term courses 5 days before Christmas Day.

STATUS: HB 1243 – Awaiting Hearing in Committees of Reference
SB 1468 – Awaiting Hearing in Committees of Reference

HB 1445 – Zero Tolerance for Crime & Victimization in Schools by Davis (**SB 1886** by *Wise*)

The bill provides that zero-tolerance policies are not intended to be rigorously applied to petty acts of misconduct and misdemeanors. However, a district school board must adopt a policy for reporting to law enforcement agency any acts that pose a serious threat to school safety. District school board agreements with the sheriff's office and local police department must include the role of school resource officers, if applicable, in handling reported incidents that pose a serious threat to school safety and circumstances in which school officials may handle all other incidents without filing a report with a law enforcement agency. The bill requires the school principal to certify when student is arrested for incident that is serious threat to school safety. By 207 September 1, 2013, and annually thereafter, each school district must provide its policy related to zero tolerance to DOE to ensure compliance.

STATUS: HB 1445 – Awaiting Hearing in Committees of Reference
SB 1886 – Awaiting Hearing in Committees of Reference

SB 1550 – Public Education by Montford

The bill provides that each school district may be exempt from the statutes in chapters 1000-1013, F.S. and the corresponding administrative rules except that each school district must comply with the statutes in those chapters:

- Specifically pertaining to the student assessment program and school grading system;
- Pertaining to the provision of services to students with disabilities;
- Pertaining to civil rights;
- Pertaining to student health, safety, and welfare;
- Governing the election, duties, and responsibilities of district school board members;
- Governing the election or appointment, duties, and responsibilities of the superintendent.

In addition, the bill provides that each school district must comply with specified sections and provisions of law relating to public meetings and record, maximum class size, compensation and salary schedules, workforce reductions, contracts with instructional personnel, performance evaluations for instructional personnel and school administrators, financial matters, planning and budgeting, educational facilities, and instructional materials. The bill provides that the State Board of Education may enter into a performance contract with a school district for the purpose of providing a statutory waiver, upon the school district's request. A school district, upon a super majority vote by the district school board, may apply for a waiver from any statute for a period up to 3 years after the date upon which the Commissioner and the State Board of Education approve the waiver. A school district must submit an application for each waiver request which must include the purpose for making the request, the goal or goals to be achieved by the waiver, and supporting evidence or other documentation outlining the impact if the waiver is approved or disapproved. The bill provides that a waiver may be requested at any point during a fiscal year and that the commissioner and the State Board of Education must consider a waiver request in a timely manner. A school district that requests a waiver may be granted a waiver from any statute governing school and school district operations and policies, other than those listed above, if the commissioner and the State Board of Education agree that the waiver will assist the school district in maintaining or improving its academic or fiscal performance. By January 15, 2013, and each year thereafter, each school district shall submit an annual report to the Governor, legislative leaders, and the State Board of Education. The report must contain the strategies that the school district used to implement the provisions of this section and the results of student performance evaluations and district operational efficiency programs.

STATUS: SB 1550 – Awaiting Hearing in Committees of Reference

SB 1644 – Physical Education in the Public Schools by Lynn ([HB 4057](#) by Metz)

The bill deletes the requirement that physical education be offered for 30 consecutive minutes each day in grades kindergarten through grade 5. The bill deletes the requirement for physical education in grades 6 through 8 and removes the criteria for a waiver from participating in physical education.

STATUS: SB 1644 – Awaiting Hearing in Committees of Reference

HB 4057 – In Education Committee

SB 1798 – Public Education by Montford

The bill amends or repeals multiple sections of law. Specifically, the bill:

- Clarifies the term “agency” for purposes of exempting school districts from reviewing rules and making certain reports;
- Repeals s. 403.7032(3) relating to recycling
- Repeals s. 1002.23(6), F.S., relating to the Family and School Partnership for Student Achievement Act, deleting a provision that requires each school district to submit a copy of rules to the Department of Education by a specified date;
- Repeals s. 1002.31(6), F.S., relating to public school parental choice, deleting a provision that requires a school district to submit a controlled open enrollment plan to the Commissioner of Education and deleting reporting requirements for the commissioner;
- Amends s. 1002.37, F.S. to require that full-time equivalent student credit completed through the Florida Virtual School's franchises and school district virtual instruction schools and programs be reported to the Department of Education and be funded through the Florida Education Finance Program;
- Repeals s. 1003.4285, F.S., relating to standard high school diploma designations;
- Amends s. 1003.453, F.S. to delete a provision that requires each school district to send an updated copy of its wellness policy and physical education policy to the Department of Education when a change or revision is made;
- Repeals s. 1003.53(3), F.S., relating to dropout prevention and academic intervention and delete provisions that require each school district receiving state funding for dropout prevention and intervention programs to submit an annual report to the Department of Education;
- Repeals s. 1003.61, F.S., relating to the pilot attendance project;

- Repeals s. 1006.02, F.S., relating to the provision of information to students and parents regarding school-to-work transition;
- Repeals s. 1006.025, F.S., relating to guidance services;
- Repeals s. 1006.07(6), F.S., relating to the duties of district school boards regarding student discipline and school safety to delete provisions that require each school district to use the Safety and Security Best Practices developed by the OPPAGA to conduct a self-assessment and to report the findings of the self-assessment to the Commissioner of Education;
- Amending s. 1011.61, F.S.; providing that students who are enrolled in the Florida Virtual School's franchises and school district virtual instruction schools and programs for a specified period are full-time equivalent students for funding purposes;
- Amends s. 1011.62, F.S.; deleting provisions relating to the research-based reading instruction allocation for school districts;
- Amends s. 1011.68, F.S.; requiring that the student transportation funding formula be modified when applied to a school district that has a 4-day instructional week;
- Amends s. 1011.71, F.S.; authorizing a district school board to levy more than 1.5 mills against the taxable value for school purposes for district schools, authorizing each district school board to use such millage to fund the purchase, lease-purchase, or lease of hardware or software for certain purposes, authorizing a district school board, upon a super majority vote, to levy an additional 0.25 mills for critical capital outlay needs or critical operating needs;
- Amends s. 1013.20, F.S.; revising provisions relating to the standards for relocatables used as classroom space and deleting a provision that requires certain relocatables to be accessible by adequate covered walkways;
- Amends s. 1013.37, F.S.; revising provisions relating to the state uniform building code for public educational facilities construction.

STATUS: SB 1798 – Awaiting Hearing in Committees of Reference

ATHLETICS

SB 256 – Youth and Student Athletes by Flores (*HB 291 by Renuart*)

The bill requires independent sanctioning authorities of youth athletic teams, and the Florida High School Athletic Association, to adopt guidelines, bylaws or policies for educating officials, administrators, coaches, and youth or student athletes and their parents on sports-related concussions and head injuries and requires parents or guardians to sign a consent form that explains the nature and risk of concussion and head injury. The bill provides that a youth or student athlete suspected of sustaining a concussion or head injury in a practice or competition must be immediately removed from the activity and an athlete who has been removed from a practice or competition is prohibited from returning to practice or competition until the youth receives written clearance from a physician. At the direction of the physician, specified health care practitioners are authorized to provide medical examinations and treatment for purposes of the clearances.

STATUS: SB 256 – Temporarily Postponed in Education PreK-12 Appropriations
SB 291 – In Health & Human Services Access Subcommittee

SB 606 – Youth Athletes by Montford

The bill requires independent sanctioning authorities of youth athletic teams, and the Florida High School Athletic Association, to adopt guidelines and bylaws or policies for educating athletic coaches, officials, administrators, and youth athletes and their parents or guardians of the nature and risk of exertional heat stroke (EHS) and heat-related injury and requires the parent or guardian of a youth athlete to sign a consent form that explains the nature and risk of EHS and heat-related injury. The bill requires that a youth athlete who is suspected of suffering from an EHS or heat-related injury during a practice or competition to be removed from the activity and an athlete who has been removed from a practice or competition is prohibited from returning to practice or competition until the youth receives written clearance from an a physician. At the direction of the physician, specified health care practitioners are authorized to provide medical examinations and treatment for purposes of the clearances.

STATUS: SB 606 – On the Agenda in Health Regulation on 1/25/12

HB 1403 – High School Athletics by Stargel (*SB 1704 by Wise*)

The bill expands eligibility of students in private schools to participate in public school sports to include students who attend a non-FHSAA private school that does not offer a specific sport that is offered at the public school and to include students who attend a non-FHSAA consisting of 250 students (rather than 125 students) or fewer. The bill designates the Sunshine Independent Athletic Association (SIAA) as the governing nonprofit organization of athletics in private schools. The bill provides that the bylaws of FHSAA and SIAA must allow a student who transfers from a public school to a private school during the school year to participate in any sport offered by the private school, with the approval of the public school district, if the student pays the full tuition charged by the private school for all students. The bill requires each organization to adopt bylaws that regulate persons who conduct investigations. Such bylaws must include provisions that require investigators to undergo a background check before being hired and adhere to specified guidelines which provide that:

- Interviews may be conducted only on Monday through Friday between 7 a.m. and 7 p.m.;
- Searches of lockers, residences, or other private areas may be conducted only with the written approval of the person being investigated;
- Parents or legal guardians of any person being interviewed may be present at the interview;
- Any person being interviewed may have legal counsel present but the attorney may not participate in the interview other than advising the person not to answer a question;
- A coach employed in a school that is a member of the organization must be allowed to also coach or volunteer for a community, church, or other outside youth sports organization if such outside activity does not conflict with his or her obligations with the employer.

The bill provides that FHSAA may not deny or discourage interscholastic competition between its members and members of the SIAA, nor may it take any retributory or discriminatory action against any of its members who engage in interscholastic competition with members of the SIAA. The two associations must conduct annual state interscholastic championship competitions for each sport and competition level offered at their member schools.

The bill provides that the Board of Directors for the SIAA will be composed of four public school representatives, four non-public school representatives, three representatives appointed by the Commissioner, two school headmasters, two nonpublic school governing board members, and the Commissioner or his designee. The bill specifies the authority and duties of the board of directors. The bill provides that the committee on appeals of the SIAA will be composed the three members appointed by the Governor, three members appointed by the President of the Senate, three members appointed by the Speaker of the House, and the commissioner or his or her designee, who serves as a nonvoting member. The bill provides that any nonpublic high school in this state, including charter schools and virtual schools, may become a member of the SIAA and participate in the activities of that organization. However, membership in the association is not mandatory for any school. Finally, the bill provides that any fines collected by either organization must be deposited into the Educational Enhancement Trust Fund.

STATUS: HB 1403 – Awaiting Hearing in Committees of Reference
SB 1704 – Awaiting Hearing in Committees of Reference

RETIREMENT & INSURANCE

SB 366 – Group Insurance for Public Employees by Gaetz (HB 453 by Stargel)

The bill requires school districts to enter into interlocal agreements to establish the School District Insurance Consortium (Consortium) for the provision of health, accident, and hospitalization insurance. The Consortium is organized as a nine-member board of directors comprised of three members who are elected school board members appointed by the Florida School Boards Association, three members who are elected or appointed school superintendents appointed by the Florida Association of District School Superintendents, two members who are public school teachers or support personnel appointed by the Florida Education Association, and one member who has experience operating employee benefit systems appointed by the other members of the consortium. Members are to be appointed for two-year terms. The bill is silent regarding reappointments and the number of terms. The board of directors is authorized to hire staff or contract for staffing services. The bill requires that Consortium-purchased insurance be competitively bid. Insurance may be purchased for a statewide insurance plan as well as plans providing regional coverage. In determining appropriate regions, the consortium must group school districts geographically in a manner that includes school districts of varying sizes for the purpose of ensuring the availability of coverage for all districts in the region. Multiple providers are authorized. School districts are required to collectively bargain for all units of employees who will be provided insurance, consistent with current law. The bill provides that the Department of Management Services must provide technical services to the Consortium, as requested. To opt-out, a school board must hold a properly noticed public meeting and find that it is less expensive to purchase insurance elsewhere.

STATUS: SB 366 – In Budget Committee

HB 453 – In Health & Human Services Committee

HB 525 – Florida Retirement System by Workman (SB 1280 by Latvala; SB 1334 by Oelrich)

(See also SB 2024 by Governmental Oversight; GVOP10 by Government Operations)

[Several retirement bills have been filed but none have received hearing in a committee. Among the provisions that have been discussed in one or more of these bills are:

- Increasing the vesting period from 8 years to 10 years;*
- Raising the normal retirement age;*
- Requiring new employees to, by default, be enrolled in investment plan;*
- Revising or eliminating the DROP program;*
- Eliminating the Health Insurance Subsidy;*
- Revising the calculation of the early retirement benefit;*
- Adjusting employee and/or employer contribution rates.*

We hope to have more information available by Wednesday afternoon, 1/25/12]

PERSONNEL

HB 1115 – Teacher Protection by Brandes (SB 1698 by Wise)

The bill allows a public school teacher, other than a substitute teacher, to request that the Office of the Attorney General (OAG) represent the teacher in the suit. Such a request must be made in writing with 14 days of receipt of the complaint. The bill requires the OAG to defend the teacher throughout the civil action if the teacher has not been subjected to disciplinary proceedings for the same act by the employing school district or the Education Practices Commission. The OAG is required to draft a notice of the teacher's options under this bill for dissemination by the Commissioner of Education to each K-12 classroom teacher by August 15th of each year. The bill also amends the definition for "employee organization" to specifically exclude any "professional teacher association" until such organization applies for registration pursuant to the labor union statute.

STATUS: HB 1115 – In Justice Appropriations Subcommittee

SB 1698 – Awaiting Hearing in Committees of Reference

HB 1205 – Drug-Free Workplace Act by Smith (SB 1358 by Hays)

The bill expands the authorization of public employers to drug test employees to allow for random drug testing of all employees at specified intervals. It also relocates and revises requirements for the discipline, treatment, and continued employment of a public employee who receives a positive drug test result. In part, such revisions include authorization for a public employer to terminate the employment of any employee who receives a first-time positive drug test result. In addition, the bill revises the categories of public positions for which an applicant may be drug tested to allow for blanket drug testing of all job applicants, regardless of the duties of the position. It also expands the categories of employers that may qualify for certain insurance discounts due to maintenance of a drug-free workplace program. Further, the bill deletes provisions relating to public employees' collective bargaining rights for drug testing.

STATUS: HB 1205 – On the Agenda in Government Operations Subcommittee on 1/25/12

SB 1358 – On the Agenda in Health Regulation on 1/25/12

HB 1315 – Verification of Employment Eligibility by Harrell (SB 1638 by Altman)

This bill requires every employer to use Employment Authorization Program to verify employment eligibility of each employee on or after specified date. The bill provides that a business that does not use federal E-Verify system to verify employment eligibility of new employee shall lose its license to do business in state until business has registered with E-Verify system. The bill requires every public employer to register with and participate in E-Verify system and prohibits a public employer, contractor, or subcontractor from entering into a contract for physical performance of services in this state unless contractor or subcontractor registers and participates in the system.

STATUS: HB 1205 – Awaiting Hearing in the Committees of Reference

SB 1358 – Awaiting Hearing in the Committees of Reference

PARENT INVOLVEMENT

HB 543 – Parental Involvement and Accountability by Stargel (SB 944 by Wise)

The bill requires each school district to inform parents of its expectations regarding parent responsiveness to teacher requests for communication, submission of accurate contact, emergency, and medical information, and oversight of their child's school attendance, completion of homework, and preparation for tests. Districts may use existing parent guides and parental involvement checklists or develop new formats for communicating this information to parents. The bill adds a requirement that parents acknowledge, in writing, receipt of parental involvement information. The bill also requires teachers of students in prekindergarten through grade 5 to evaluate each parent's involvement on a quarterly basis. Parents must be evaluated based upon the frequency of the student's unexcused absences and tardiness, responsiveness to requests for conferences or communication, and submission of accurate information, such as emergency contact information and student immunization records. Each parent must be rated satisfactory, needs improvement, or unsatisfactory and he or she must be provided with a written evaluation report. School districts are required to adopt, in rule, a process enabling parents to dispute an unfavorable evaluation. School districts must annually report parental involvement evaluation data to DOE. DOE must annually report this information to the Governor and legislative leaders. School districts must implement the bill's requirements beginning in the 2013-14 school year.

STATUS: HB 543 – On the Agenda in K-20 Competitiveness for 1/25/12

SB 944 – Awaiting Hearing in the Committees of Reference

HB 1191 – Parent Empowerment in Education by Bileca (SB 1718 by Benacquisto)

The bill enables parents to, by petition to the school district, request implementation of a parent-selected turnaround option when a school does not sufficiently improve in the initial year of implementing a district-selected turnaround option. The turnaround option requested by parents must be considered for implementation by the district school board at a publicly noticed meeting if the petition is signed and dated by a majority of the parents of students enrolled in the school or students who are scheduled for assignment to the school in the following school year. The district school board may adopt the turnaround option selected by parents or a different option selected by the school board. If the district school board does not adopt the parent-selected option, it must include that option with the implementation plan submitted to the State Board of Education. The state board may approve the district's plan or, if it determines that the parent-selected option is more likely to improve student performance at the school, require the school board to submit a plan for implementing the parent-selected option. The bill also prohibits school districts from assigning a student in consecutive school years to a classroom teacher with an annual performance evaluation rating of unsatisfactory or needs improvement. A parent may request from the school district the performance evaluation of any classroom teacher assigned to his or her child. The school board is also required to notify parents of students assigned to an out-of-field or chronically low-performing teacher of the availability of virtual instruction delivered by an in-field, high-performing teacher.

STATUS: HB 1191 – In Rulemaking & Regulation Committee

SB 1718 – In Budget Committee

CURRICULUM

SB 554 – Disability Awareness by Ring (*HB 589* by Reed)

The bill requires district school boards to provide disability history and awareness instruction in all K-12 public schools. The instruction must be provided by individuals who have a disability, are approved by DOE, and meet existing background screening requirements. DOE is required to assist in the development of an appropriate disability curriculum to be used in the school districts. DOE must also establish a disability awareness council charged with submitting an annual report and ensuring that instructors meet the requirements specified in the bill.

STATUS: SB 554 – On the Agenda in Children, Families, & Elder Affairs on 1/25/12
HB 589 – Awaiting Hearing in Committees of Reference

HB 689 – American Founders' Month by Bileca (*SB 1462* by Diaz de la Portilla)

The bill designates the month of September as "American Founders' Month" and authorizes the Governor to annually issue a proclamation designating month and urging participation. The bill also requires district school boards to observe "American Founders' Month" and provide instruction that focuses on celebrating the American founding fathers and their role in drafting the founding documents. During "American Founders' Month", the bill authorizes each district school board to provide instruction that focuses on the "moral and civic virtue, self-sacrifice, intellectual genius, and patriotism" of the founding fathers and the importance of the founding documents and the principles inherent in such documents. The bill authorizes district school boards to integrate instruction provided during "American Founders' Month" into existing school curriculum.

STATUS: HB 689 – In PreK-12 Appropriations Subcommittee
SB 1462 – Awaiting Hearing in Committees of Reference

SB 776 – School Grades by Detert

The bill requires that, beginning with the 2012-2013 school year, high schools be given at least 75 percent credit for students who receive high school equivalency diplomas for purposes of calculating the school's graduation rate.

STATUS: SB 776 – Awaiting Hearing in Committees of Reference

SB 834 – Juvenile Justice Education by Education PreK - 12 (*HB 949* by Baxley)

The bill is the culmination of the Senate Pre-K-12 Education Committee's interim project on education in Department of Juvenile Justice (DJJ) facilities and includes the recommendations of the Juvenile Justice Education Workgroup to improve the education outcomes of youth in DJJ facilities. The bill includes the following provisions:

- The DOE would adopt rules to establish performance ratings of high, adequate, and failing based upon levels of attainment of outcomes
- School districts or private providers who fail to meet established performance thresholds for two consecutive years or two years out of three, would no longer provide educational services to these youth
- The DJJ would contract with a school district or private provider with a high-performance rating to offer educational and workforce-related services to youth in these programs
- Middle school age youth would be required to meet at least one of the following:
 - Industry completion points or certification in a targeted occupation provided youth is placed in employment or continues training
 - Secondary or postsecondary credit and continuing education
 - Completion of comprehensive career exploration and continuing education
 - Achievement of learning gains in reading and mathematics and continuing education
- High-school age youth would be required to meet at least one of the following:
 - Industry completion points or certification in a targeted occupation provided youth is placed in employment or continues training
 - A high school diploma or its equivalent and award of postsecondary credit
 - Job placement or self-employment in an area for which the youth earned an industry certification

- Achievement of a level of performance in an acceleration mechanism in which the youth earns postsecondary credit
- Academic progress in reading and math
- The DJJ program must collaborate with the regional workforce board and postsecondary institutions to determine the occupational areas of emphasis in the program
- Juvenile justice education programs are required to provide access to virtual education instruction courses
- School districts may continue to provide educational services or contract with a private provider to meet specified student outcomes
- School districts that contract for educational services may not dictate personnel decisions for private providers who maintain high performing status
- A transition plan must be developed for youth to specify educational and other services to be provided during the youth's stay in the DJJ program, as well as services to be provided upon release

STATUS: SB 834 – Temporarily Postponed in Criminal Justice

HB 949 – On the Agenda in Criminal Justice on 1/25/12

SB 1314 – Career-themed Courses by Gaetz

The bill streamlines provisions included in the CAPE law, as well as provisions established in 2011 for similar academies at the middle school level. The bill allows for greater access to attainment of industry certifications in high demand fields, thus supporting critical workforce needs and providing an economic benefit to the state. The bill provides that secondary schools would no longer be required to have in place a full-scale career academy in order to be eligible for industry certification bonus funding. In addition, secondary schools would still be required to offer rigorous courses that lead to industry certifications in high wage, high skill, and high demand occupations and to employ instructors who hold industry certifications. The bill calls for a strategic three-year plan (rather than a five-year plan) developed by the school district in collaboration with regional workforce boards and postsecondary institutions to determine areas of academic emphasis to meet workforce needs. The curriculum review committee, responsible to review and approve newly developed workforce-related courses, must approve or deny proposals within 30 days (rather than 60). In addition, the bill increases, from \$15 million to \$30 million, the appropriation cap to fund the bonus awarded for the attainment of certifications.

STATUS: SB 1314 – In Commerce & Tourism Committee

HB 7059 – Acceleration Options by K-20 Innovation

The bill amends various provisions of the law related to acceleration options in public education and establishes Academically Challenging Curriculum to Enhance Learning (ACCEL) options and an opportunity for students to graduate early from high school. More specifically, the bill:

- Establishes ACCEL options as educational options that provide academically challenging curriculum or accelerated instruction to eligible students in kindergarten through grade 12; requires principals and school districts to establish eligibility requirements for ACCEL options and a process for a parent to request student participation in an ACCEL option; and requires a school district's student progression plan to include information about ACCEL options, early and accelerated graduation options, and dual enrollment courses included in the dual enrollment articulation agreement.
- Provides a student the option to graduate from high school early once a student has completed at least 24 credits and met the standard graduation requirements; authorizes eligible students who graduate from high school midyear to receive a Bright Futures Scholarship award during the spring term; authorizes school districts to receive funding for unpaid credits delivered to students who graduate at least one semester early; defines unpaid credits as credits earned by the student in excess of six credits per year, such as credit earned by passing the Algebra I EOC without enrolling in the course; and requires school districts to notify parents and advise students of the options for early and accelerated high school graduation.

- Establishes performance based funding for Algebra I, Biology I, and Geometry end-of-course (EOC) assessments, beginning in the fourth year of administering the EOC and requires the Algebra I EOC to be administered four times annually.
- Establishes student eligibility requirements for participation in the AP program. The requirements are the same as those required for dual enrollment, except students may also demonstrate eligibility using FCAT or EOC scores.
- Clarifies student eligibility requirements for dual enrollment; provides faculty and curriculum standards for college credit dual enrollment courses, the faculty and curriculum standards are consistent with those required by the Southern Association of Colleges and Schools (SACS) Commission on Colleges and are currently outlined in rule; requires superintendents and FCS presidents to establish a dual enrollment articulation agreement instead of a district interinstitutional articulation agreement; repeals s. 1007.235, F.S., District interinstitutional articulation agreements; repeals s. 1007.272, F.S., Joint dual enrollment and advanced placement instruction; and prohibits the practice of “credit in escrow,” which allows a student who does not qualify for dual enrollment to enroll in and pay for college courses that do not count toward high school graduation.

STATUS: HB 7059 – Filed as a Committee Bill

SCHOOL CHOICE OPTIONS

HB 859 – Florida Tax Credit Scholarship Program by Corcoran (**SB 962** by *Benacquisto*)

The bill expands student eligibility for participation in program by retaining the requirements related to household income, but deleting the requirements that the student was a full-time equivalent student during the previous state fiscal year for purposes of state per-student funding, received a scholarship from an eligible nonprofit scholarship-funding organization or from the State of Florida during the previous year, or is eligible to enter kindergarten or first grade. The bill also increases the cap on the amount of tax credits available to the program that may be approved in a fiscal year from \$175 million to \$250 million for FY 2012-13. The bill amends certain responsibilities and obligations of parents and students, private schools, the Department of Education, school districts, and the Commissioner of Education regarding the program. The bill further clarifies that the parents of a public school student may seek private school choice options under the program if a student is currently placed, or during the previous state fiscal year was placed, in foster care

STATUS: HB 859 – On the Agenda in Finance & Tax for 1/26/12

SB 242 – Referred to Committee

HB 903 – Charter Schools by Adkins (**SB 1852** by *Wise*)

The bill revises a number of provisions relating to charter schools. Specifically, the bill:

- Adds High Performing Charter System Statutes requirements to those that must be included in the Charter document.
- Allows schools in system designated as high performing to submit quarterly financial statements their sponsor instead of monthly.
- Allows schools districts to share 1.5 mill monies with charters on per student calculation basis. If they do not, their operating dollars will be reduced by the per student amount of the 1.5 mill dollars and allocated to charter schools in district on a pro rata basis. Districts have 30 days to distribute funds. Charters can only use allocation for capital outlay purposes.
- Requires districts to distribute Title I, Title II, IDEA and all federal funds received to benefit charter schools to the charter schools in the district within 60 days of receipt.
- Allows charter schools to qualify for high performing status despite having financial deficiencies identified in an audit if can show have monies available to correct the deficiency. This provision previously was limited to only charters-in-the-workplace
- Increases the number of times each charter school designated as high performing can replicate itself each year from 1 to 3.
- Replicates benefits in high performing charter school statutes for high performing schools in a high performing system, including expanding enrollment and grade levels, receiving a 15 year contract and consolidating with other high performing schools in the system under one contract.

STATUS: HB 903 – In K-20 Innovation Subcommittee

SB 1852 – Awaiting Hearing in Committees of Reference

KINS1 – Digital Learning by K-20 Innovation (**SB 1402** by *Gardiner*)

The bill revises several provisions relating to virtual schools and instruction. Specifically, the bill:

- Allows full time Florida Virtual School students to participate in extra-curricular activities at their assigned public school or a public school they could choose to attend if they meet any conduct and academic requirements. They must register their interest with the school prior to the beginning of the season. FVS is authorized to impose additional requirements for student eligibility. Allows students who transfer to a school in the first semester from FVS to be eligible to participate if they were successful in previous year. Prevents FVS students from participating if they were academically ineligible at public or private school. Must have one semester of academic eligibility.

- Makes it a first degree misdemeanor for anyone to take an online course or online exam for another person (student).
- Allows FVS to additionally provide part time instruction to students in grades 2 to 4 if they meet the statutory criteria. Removes limitation that students in grades 4 and 5 could only take part time FVS courses if they were enrolled in middle school courses.
- Removes requirement that elementary principals inform parents of Level 4 and 5 students that can take accelerated courses through FVS.
- Requires school districts to allow FVS students to take assessments at the school to which they would have been assigned instead of just within the district.
- Removes limitation on district VIP's that can only offer part-time to high school students.
- Requires virtual providers to perform financial audits
- Transfers FTE reporting requirement to the district where student is taking virtual instead of resident district.
- Limits eligibility requirements for full time virtual students to grades 6 through 12. Removes eligibility requirements for blended learning.
- Prohibits school districts from requiring students to take their mandated online course outside of the school day. Exempts students on IEP for whom it is academically inappropriate and senior transfers from outside state from online requirement for graduation.
- Requires student in blended learning courses to be full time and receive instruction in a classroom. Clarifies funding and accountability is the same as for traditional courses.
- Requires ESE students eligible for full time virtual instruction to be served by the district.
- Amends funding definitions to allow full time FTE to be earned in 1/6 credits in grades K to 12.
- Allows Full time VIP students to be eligible for ESOL funding.

STATUS: KINS1 – Submitted as a Committee Bill

SB 1402 – Awaiting Hearing in Committees of Reference

FACILITIES & PLANNING

[HB 603](#) – Growth Management by Weinstein ([SB 912](#) by Bennett)

The bill prohibits a local government from applying transportation or school concurrency, or requiring proportionate-share contribution or construction, for new developments for specified period and provides for an extension of the prohibition under certain conditions. The bill also prohibits certain counties, municipalities, and special districts from imposing certain new or existing impact fees for specified period.

STATUS: HB 603 – Awaiting Hearing in Committees of Reference

SB 912 – Awaiting Hearing in Committees of Reference

[SB 842](#) – Growth Management by Bennett

The bill addresses a number of growth management issues. Of interest to school boards, the bills continue the process of stripping references to school concurrency from state statutes. This is in keeping with the new state policy to eliminate the state's role in this issue and to return it to the hands of local officials. (See also [CMAS2](#) by Community & Military Affairs)

STATUS: SB 842 – In Commerce & Tourism Committee

ELECTIONS

[SB 252](#) – Elected Officials by Rich ([HB 817](#) by Randolph)

The bill requires that the Commission on Ethics and the Florida Elections Commission notify the Chief Financial Officer or the governing body of a county, municipality, or special district of any unpaid fines levied against a person who has been elected to a state, county, or municipal office. The Chief Financial Officer or the governing body are required to withhold salary payments that would otherwise be paid to an elected official when that official owes a fine to the Commission on Ethics or the Florida Elections Commission. The bill authorizes the Chief Financial Officer or the governing body to retain a percentage of the payment for administrative costs.

STATUS: SB 252 – Awaiting Hearing in Committees of Reference

HB 817 – Awaiting Hearing in Committees of Reference

[HB 1305](#) – Public Records / Officers-Elect by Adkins ([SB 1464](#) by Gaetz)

Declares that it is policy of this state that provisions of state's public records laws apply to officers-elect upon their election to public office; requires that such officers-elect adopt and implement reasonable measures to ensure compliance with public records obligations; requires that public records of officer-elect be maintained in accordance with policies and procedures of public office; requires that officer-elect timely deliver all public records kept or received in transaction of official business during period following election to public office; revises public meeting requirements to apply such requirements to meetings with or attended by officers-elect.

STATUS: HB 1305 – On the Agenda in Government Operations on 1/25/12

SB 1464 – On the Agenda in Governmental Oversight on 1/26/12

Important Election Dates:

- Qualifying for Federal, Statewide, Multi-county, County, District and Political Party Executive Committee will be Noon, June 4, 2012 – Noon, June 8, 2012
- The Primary Election will be held August 14, 2012
- The General Election will be November 6, 2012