

Emergent Design and Development, Inc

Legislative Update

September 20, 2011

Welcome back! Summer is over, school has begun and Legislators are eagerly filing bills for the 2011-12 session. Committee weeks are scheduled to begin this week. This year, the Florida Legislature will begin meeting in January instead of March, due to the redistricting issue.

LEGISLATIVE SESSION NEWS

Interim projects of the Legislature usually are a good indicator of the areas the Legislature is interested in addressing, thru new legislation or gathering more information on the impact of past legislation. This year, the projects address:

- The impact of last year's budget upon Pre-K-12 education
- Delivery of educational services to the Division of Juvenile Justice
- Transfer of School Readiness and Voluntary Pre-K to the DOE
- Implementation of the Growth Model for evaluation
- School Differentiated Accountability
- Class size Implementation

The "official" Legislative Session Dates are January 10, 2012 thru March 9, 2012

However, scheduled meetings of Committees have already begun. The Committee weeks are :

- September 19-23
- October 3-7
- October 17-21
- October 31-November 4
- November 14- 18
- December 5- 9

This week - Committee Week 1 (Sept. 19-23) Schedule:

- Tues. Sept. 20th 8:30-10:30 House Pre-K-12 Appropriations
- 11:00-1:00 House K-12 Innovation
- 4:00-6:00 House K-12 Competitiveness

Wed. Sept. 21st 10:45-12:45 Senate Education Pre-K-12
1:30-3:30 House Education Committee
1:30-3:30 Senate Education Appropriations

The next Senate President for will be Senator Don Gaetz and the next Speaker of the House will be Representative Will Weatherford.

FLORIDA LONG-RANGE FINANCIAL OUTLOOK

The following information was released on September 7, 2011 by the Office of Economic and Demographic Research of the Florida Legislature. The next report will probably downgrade the estimates due to the national declines in August and September, however the expectations for the new budget are still positive.

1. Florida's economy turned positive in 2010.
2. Population growth is recovering.
3. Florida housing is generally improving.
 - a. Sales volume and building permits are positive
 - b. Existing home sales are sputtering and prices are flat.
4. Florida economy is very slowly recovering.
5. The impact of last year's legislative actions has positively impacted the state's bottom line for 2012-13.
6. Recurring and non-recurring revenue needs (with a minimum reserve of \$1 billion) are less than the available general revenue.
7. Sufficient funds exist to meet all critical and other high priority needs for the next three years.
8. http://edr.state.fl.us/Content/presentations/long-range-financial-outlook/3YearPlanLBCPresentationFall2011_9-7-11.pdf

INTERESTING ITEMS REGARDING EDUCATION

1. Can Obama save teacher jobs?
http://money.cnn.com/2011/09/08/news/economy/Obama_teacher_jobs/index.htm
2. Florida Tax Credit Scholarship Program report.
http://www.floridaschoolchoice.org/Information/CTC/quarterly_reports/ftc_report_june2011.pdf

3. SMARTER consortium releases math content specifications.
http://www.floridaschoolchoice.org/Information/CTC/quarterly_reports/ftc_report_june2011.pdf
4. David Lawrence speech to the S.B.E. on the Florida Voluntary Pre-K Program.
<http://www.teachmorelovemore.org/Speeches.asp?speechid=33>
5. Is it time for Resort Casinos?
<http://www.tampabay.com/news/politics/stateroundup/article1191148.ece>
6. The New America Foundation's Federal Education Budget Project released a new issue report, "Congressional Budget Action for Fiscal Year 2012 and its Impact on Education Funding."
The report includes:
A summary of the traditional budget process;
A series of budget tables that illustrate past and current appropriations;
An explanation of the Budget Control Act of 2011; and
An analysis of little-understood budget loopholes, such as advance appropriations, that may have significant effects on the fiscal year 2012 education budget.
To read the report go to: www.newamerica.net
7. TEACHER'S UNION FILES LAWSUIT ON MERIT PAY
The statewide teacher's union filed a lawsuit Wednesday morning against the state saying the new teacher merit pay law violates a teacher's constitutional right to collectively bargain. FEA president Andy Ford said the Legislature did not fund the merit pay program. "There is not one dime to make this happen." he said.
8. FLORIDA TAXWATCH UNVEILS ANNUAL SAVINGS REPORT
Florida TaxWatch has released its annual report on potential savings for lawmakers looking for places to trim government spending. This year's report includes 135 recommendations from the group that could save more than \$4.1 billion if they were all implemented, according to TaxWatch. Florida TaxWatch President and CEO Dominic Calabro said in a release accompanying the report. "Now, more than ever, recommendations like these to save taxpayer dollars and contain costs are vital."
<http://www.floridataxwatch.org/resources/pdf/20110915nrReportandRecommendationsGCSTFY201213.pdf>

FLORIDA STATE BOARD OF EDUCATION

The State Board will meet in Orlando on September 20th. They will meet at Valencia Community College beginning at 8:30. The agenda may be found at http://www.fldoe.org/board/meetings/2011_09_20/agenda.asp. Returning to the Board is former member Sally Bradshaw.

FLORIDA DOE

In a statement released on September 20, 2011 by the DOE Commissioner Gerald Robinson, "The State Board of Education unanimously approved my request to appoint Pamela Stewart as Florida's new Public Schools Chancellor, effective October 17, 2011. Pam brings with her a wealth of Florida public school experience where she has previously served as Deputy Superintendent for Academic Services in St. Johns County, Deputy Chancellor of Educator Quality at the Department of Education, and principal at Vanguard High School and Reddick-Collier Elementary School in Marion County. I'm excited to welcome her back to the DOE team and know she will do an excellent job supporting our efforts to improve student achievement throughout the state."

PUBLIC SCHOOL ENROLLMENT FIGURES

Official enrollment figures will not be available until the official FTE count in October. Conversations with several Superintendents have indicated a slight increase in the number of students in attendance.

LEGISLATIVE BILL ACTIVITY (Attached is an initial bill list and committee assignments)

Already 36 Educational Bills have been filed. As usual, a multitude of issues are involved. Among the issues that may receive Legislative attention in this Session are:

- The reorganization of the D.J.J. educational program. The emphasis would be placed on less yearly student failures, more career and occupational instruction, and closer ties to the local school district.
- The Zero Tolerance Issue in public schools
- The large payouts that are received by certain retiring public employees
- University tenure
- University performance pay
- Student loan defaults (currently at 10.5%)
- Bright Futures scholarships
- More pro-charter, choice and Corporate tax credit legislation
- Alternative diplomas (see HB 111)
- Increase in the length of Legislative terms (requires Constitutional amendment)
- Election of the Commissioner of Education (requires Constitutional amendment)
- Pre-K assessment program

Bill action Report (All)

Sorted by Bill Number

HB 0001	Relating to Public School Funding	Weinstein
	Public School Funding: Requires OPPAGA to conduct study to determine minimum per-student funding to meet constitutional requirements; requires report to Legislature. Effective Date: July 1, 2012	
HB 0007	Relating to Recall of Governor, Lieutenant Governor, Member of Cabinet, or Legislator	Kriseman
	Recall of Governor, Lieutenant Governor, Member of Cabinet, or Legislator: Proposes creation of s. 8, Art. VI of State Constitution to provide for recall of Governor, Lt. Governor, member of Cabinet, or legislator; provides how process is initiated; establishes requisite number & distribution of signatures; provides for simultaneous election of successor to remainder of term; provides that if elected official is not recalled, then additional effort to recall elected official may not be initiated during remainder of term; provides for reimbursement of certain expenses. Effective Date: Not Specified	
HB 0009	Relating to Recall	Kriseman
	Recall: Provides that Governor, Lieutenant Governor, member of Cabinet, or legislator may be recalled from office; requires that proponents of recall register as political committee; prescribes methods & timeframes for initiating & conducting recall; provides ballot language; provides that removal of Governor from office includes removal of Lieutenant Governor; authorizes adoption of rules. Effective Date: on the effective date of House Joint Resolution 7, or a similar joint resolution having substantially the same specific intent and purpose, if that joint resolution is approved by the electors at the general election to be held in November 2012	
HB 0019	Relating to Public School Buses	Nelson
	Public School Buses: Provides for district school board policies that authorize commercial advertisements on school buses; provides policy requirements relating to reimbursement to school district, prohibited advertisements, & signage & equipment standards; requires school bus to be withdrawn from use under certain circumstances; provides for remittance & allocation of revenue. Effective Date: July 1, 2012	
HB 0021	Relating to Term Limits	Kriseman
	Term Limits: Proposes amendment of s. 15, Art. III & s. 4, Art VI & creation of provision in Art. XII of State Constitution to increase length of terms of state senators to 6 years & state representatives to 4 years & limit state senators & state representatives to 12 consecutive years in office. Effective Date: Not Specified	
HB 0025	Relating to Sovereignty of the State	Caldwell
	Sovereignty of the State: Proposes creation of s. 28, Art. I, asserting sovereignty of state & right to refuse to comply with unconstitutional federal mandates or certain compulsory federal legislation. Effective Date: Not Specified	
HB 0035	Relating to Allocation and Expenditure of State Lottery Revenues	Clarke-Reed
	Allocation and Expenditure of State Lottery Revenues: Requires portion of Powerball net revenues to be allocated to voluntary prekindergarten education programs; provides for use of funds. Effective Date: October 1, 2012	
HB 0039	Relating to Traffic Safety	Julien
	Traffic Safety: Requires person cited for moving violation while using handheld mobile telecommunications device to appear before designated official; provides additional penalties; provides duties of law enforcement officers with respect to such citations Effective Date: October 1, 2012	
HB 0041	Relating to Naming of Public Buildings and Facilities	Caldwell
	Naming of Public Buildings and Facilities: Proposes creation of s. 28, Art. X of State Constitution to prohibit naming of public buildings & facilities for any person not deceased for certain period of time unless approved by four-fifths vote of governmental body enacting such designation, except that no such building or facility may be named for any public officer while that person is in public office. Effective Date: Not Specified	
HB 0053	Relating to Public Food Service Establishments	Clarke-Reed
	Public Food Service Establishments: Requires public food service establishments to serve sugar-free substitutes for certain syrups, jelly, jam, marmalade, & fruit preserves & provide notice to guests of availability of such sugar-free substitutes; provides requirements for such notice. Effective Date: July 1, 2012	
HB 0055	Relating to Homestead Assessment Limitation/Senior Citizens	Núñez
	Homestead Assessment Limitation/Senior Citizens: Proposes amendment to s. 4, Art. VII of State Constitution to authorize counties & municipalities to limit assessed value of homesteads of certain low-income senior citizens. Effective Date: Not Specified	
HB 0057	Relating to Sovereignty of the State	Caldwell
	Sovereignty of the State: Urges Congress to discontinue its practice of imposing federal mandates & legislation upon states which exceed scope of its constitutionally delegated powers under Tenth Amendment to U.S. Constitution & to repeal all existing compulsory federal legislation that directs states to comply or requires states to pass specific legislation in order not to lose federal funding. Effective Date: Not Specified	
HB 0071	Relating to High School Diploma Options	Smith (J)
	High School Diploma Options: Requires OPPAGA, in conjunction with DOE, to conduct study on creation of high school graduation option that focuses on career-technical education & leads to career-technical education diploma; provides requirements for study with recommendations to Legislature. Effective Date: upon becoming a law	
HB 0073	Relating to Educational Plant Surveys	Jenne
	Educational Plant Surveys: Authorizes extension to school district educational plant survey submission deadline; provides restrictions for submission of request for extension to DOE & requires department approval; provides restrictions on school district construction during extension period. Effective Date: July 1, 2012	
HB 0077	Relating to Trespassing	Davis
	Trespassing: Authorizes use of purple paint marks to identify "no trespassing" area; provides requirements for marks; requires specified signage. Effective Date: July 1, 2012	

SB 0084	Relating to Offenses by Caregivers of Minor Children	Fasano
	Offenses by Caregivers of Minor Children; Cites this act as "Caylee's Law;" penalizing a caregiver who willfully or by culpable negligence fails to make contact with a child under a specified age in his or her care for a certain period and to immediately report the child as missing to a law enforcement agency after that period expires without contact in certain circumstances; requiring the caregiver of a minor child to report the child's death to a law enforcement agency within a specified period in certain circumstances; requiring the caregiver of a minor child to report the location of a child's corpse to a law enforcement agency within a specified period in certain circumstances, etc. EFFECTIVE DATE: July 1, 2012	
SB 0086	Relating to Offenses by Caregivers of Minor Children	Sobel
	Offenses by Caregivers of Minor Children; Cites this act as "Caylee's Law;" penalizing a caregiver who willfully or by culpable negligence fails to make contact with a child under a specified age in his or her care for a certain period and to immediately report the child as missing to a law enforcement agency after that period expires without contact in certain circumstances; requiring the caregiver of a minor child to report the child's death to a law enforcement agency within a specified period in certain circumstances; requiring the caregiver of a minor child to report the location of a child's corpse to a law enforcement agency within a specified period in certain circumstances, etc. EFFECTIVE DATE: July 1, 2012	
HB 0089	Relating to Ad Valorem Tax Exemptions	Caldwell
	Ad Valorem Tax Exemptions: Provides partial ad valorem tax exemptions for nonexempt owners of real property leased or gratuitously provided to exempt entities for exclusive use for educational, scientific, religious, or charitable purposes; authorizes nonexempt owners of real property to apply for ad valorem tax exemptions relating to real property leased or gratuitously provided for educational, scientific, religious, or charitable purposes; provides eligibility criteria for partial ad valorem tax exemptions relating to real property leased or gratuitously provided for educational, scientific, religious, or charitable purposes; provides exception to profitmaking prohibition applicable to claiming ad valorem tax exemption relating to property used for specified exempt purposes. Effective Date: July 1, 2012	
SB 0092	Relating to Parole for Juvenile Offenders	Joyner
	Parole for Juvenile Offenders; Cites this act as the "Graham Compliance Act;" providing that a juvenile offender who was less than 18 years of age at the time of commission of a nonhomicide offense and who is sentenced to life imprisonment is eligible for parole if the offender has been incarcerated for a minimum period; requiring an initial eligibility interview to determine whether the juvenile offender has demonstrated maturity and reform for parole; providing criteria to determine maturity and reform; providing eligibility for a reinterview after a specified period for juvenile offenders denied parole, etc. EFFECTIVE DATE: upon becoming a law	
SB 0096	Relating to Commissioner of Education	Negron
	Commissioner of Education; Proposing amendments to Sections 3 and 4 of Article IV and Section 2 of Article IX and the creation of a new Section in Article XII of the State Constitution to provide for the election of the Commissioner of Education and the inclusion of the commissioner as a member of the Cabinet, etc.	
SB 0098	Relating to Education	Siplin
	Education; Authorizing district school boards to adopt resolutions that allow prayers of invocation or benediction at secondary school events; providing legislative intent; providing for severability, etc. EFFECTIVE DATE: July 1, 2012	
SB 0102	Relating to Employment Practices	Siplin
	Employment Practices; Prohibiting the use of a job applicant's personal credit history as a hiring criterion; providing an exception, etc. EFFECTIVE DATE: July 1, 2012	
HB 0111	Relating to Career Education	Nelson
	Career Education: Revises career & education planning course for middle grades promotion; provides requirements for career high school diploma; requires student & parent to agree in writing to requirements of career diploma track; specifies credit requirements, strategies for meeting instructional needs of certain students, & standards for graduation. Effective Date: upon becoming a law	
SB 0112	Relating to Public Employment Practices	Wise
	Public Employment Practices; Defining the terms "applicant" and "public employer"; prohibiting a public employer from inquiring about or considering the criminal history record of an applicant for public employment until the applicant has been selected for an interview by the public employer; providing that the restriction does not prohibit a public employer from notifying an applicant that a law or the employer's policy may disqualify the applicant from employment in a particular position with the public employer; providing an exemption. EFFECTIVE DATE: July 1, 2012	
HB 0121	Relating to Public School Student Participation in Fine Arts Courses	McBurney
	Public School Student Participation in Fine Arts Courses: Revises basis for designation of school grades to include participation rate of students who are enrolled in fine arts courses. Effective Date: July 1, 2012	
SB 0122	Relating to Driver Improvement Schools and Education Programs for Driver's License Applicants	Sobel
	Driver Improvement Schools and Education Programs for Driver's License Applicants; Requiring the curricula of such programs to include instruction on the risks associated with using a handheld electronic communication device while operating a motor vehicle, etc. EFFECTIVE DATE: July 1, 2012	
SB 0128	Relating to Minors	Altman
	Minors; Requiring a parent, legal guardian, or caretaker of a minor to make reasonable efforts to notify a law enforcement agency of the disappearance of the minor within a specified period of time after the discovery that the minor has disappeared; providing criminal penalties for failing to make reasonable efforts to notify a law enforcement agency of the disappearance of the minor, etc. EFFECTIVE DATE: October 1, 2012	
SB 0130	Relating to Minors	Altman
	Minors; Requiring a parent, legal guardian, or caretaker of a minor to make reasonable efforts to notify a law enforcement agency of the death of the minor within a specified period of time after the discovery of the death of the minor; providing criminal penalties for failing to make reasonable efforts to notify a law enforcement agency of the death of the minor, etc. EFFECTIVE DATE: October 1, 2012	

SB 0132	Relating to Trespassing	Thrasher
	Trespassing; Authorizing the use of purple paint marks to identify a "no trespassing" area; providing requirements for marks; requiring specified signage; reenacting provisions relating to limitation on liability of private landowners whose property is designated as part of the statewide system of greenways and trails and trespass on property other than structure or conveyance, respectively, to incorporate the amendment made by this act to s. 810.011, F.S., in references thereto. EFFECTIVE DATE: July 1, 2012	
SB 0142	Relating to The Florida Education Finance Program	Flores
	Florida Education Finance Program; Requiring that the Department of Education enter into a contract with an entity located outside the state to conduct a study and review of the Florida Education Finance Program and recommend any improvements that may be necessary; requiring that the department submit a report to the Governor and the Legislature by a specified date, etc. APPROPRIATION: \$100,000 EFFECTIVE DATE: July 1, 2012	
SB 0144	Relating to Seclusion and Restraint on Students With Disabilities in Public Schools	Flores
	Seclusion and Restraint on Students With Disabilities in Public Schools; Requiring that manual physical restraint be used only in an emergency when there is an imminent risk of serious injury or death to the student or others; providing restrictions on the use of manual physical restraint; prohibiting the use of manual physical restraint by school personnel who are not certified to use district-approved methods for applying restraint techniques; requiring that each school medically evaluate a student after the student is manually physically restrained; prohibiting school personnel from placing a student in seclusion; providing requirements for the use of time-out; requiring that a school district report its training and certification procedures to the Department of Education, etc. EFFECTIVE DATE: July 1, 2012	
SB 0150	Relating to Juvenile Justice Education Programs	Bullard (L)
	Juvenile Justice Education Programs; Requiring that the Department of Education submit to the Legislature an annual report that includes student learning gains and student progression in juvenile justice education programs and details the methodology used by the department to ensure that student performance data is complete and reliable, etc. EFFECTIVE DATE: July 1, 2012	
SB 0156	Relating to Assessment of Residential and Nonhomestead Real Property	Latvala
	Assessment of Residential and Nonhomestead Real Property; Limiting a review of changes to the assessed or taxable value of real property resulting from certain informal conferences to a review by the Department of Revenue; excluding the value of certain improvements from the assessed value of residential real property; specifying a limitation on the assessed value of residential real property; providing for application of the assessment limitations; requiring a nonrefundable filing fee for a petition to the value adjustment board; specifying additional exceptions to the assessment of homestead property at just value; specifying additional exceptions to assessment of nonhomestead property at just value; providing for the continuity and apportionment of assessment limitations on combined and divided parcels, etc. EFFECTIVE DATE: July 1, 2012, and applies to assessments beginning January 1, 2013	
SB 0162	Relating to Autism	Ring
	Autism; Requiring that a physician refer a minor to an appropriate specialist for screening for autism spectrum disorder under certain circumstances; defining the term "appropriate specialist"; defining the term "direct patient access"; requiring that certain insurers and health maintenance organizations provide direct patient access to an appropriate specialist for screening for or evaluation or diagnosis of autism spectrum disorder; requiring certain insurance policies and health maintenance organization contracts to provide a minimum number of visits per year for screening for or evaluation or diagnosis of autism spectrum disorder, etc. EFFECTIVE DATE: July 1, 2012	
SB 0168	Relating to Ad Valorem Tax Exemptions	Richter
	Ad Valorem Tax Exemptions; Providing partial ad valorem tax exemptions for nonexempt owners of real property leased or gratuitously provided to exempt entities for exclusive use for educational, scientific, religious, or charitable purposes; authorizing nonexempt owners of real property to apply for ad valorem tax exemptions relating to real property leased or gratuitously provided for educational, scientific, religious, or charitable purposes; providing an exception to the profitmaking prohibition applicable to claiming an ad valorem tax exemption relating to property used for specified exempt purposes, etc. EFFECTIVE DATE: July 1, 2012	
SB 0200	Relating to Limited English Proficient Students	Siplin
	Limited English Proficient Students; Authorizing a school district to administer a student achievement test in a student's primary language if the student is severely limited in English proficiency, etc. EFFECTIVE DATE: July 1, 2012	
SB 0242	Relating to Public School Funding	Dockery
	Public School Funding; Requiring the Office of Program Policy Analysis and Government Accountability to conduct a study to determine minimum per-student funding to meet constitutional requirements; requiring a report to the Legislature, etc. EFFECTIVE DATE: July 1, 2012	
SB 0256	Relating to Youth And Student Athletes	Flores
	Youth and Student Athletes; Requiring independent sanctioning authorities to adopt policies to inform certain officials, coaches, and youth athletes and their parents of the nature and risk of certain head injuries; requiring that a signed consent form be obtained before the youth participates in athletic practices or competitions; requiring that a youth athlete be immediately removed from an athletic activity following a suspected head injury; requiring written clearance from a medical professional before the youth resumes athletic activities; authorizing a physician to delegate the performance of medical care to a licensed or certified health care practitioner and consult with or use testing and the evaluation of cognitive functions performed by a licensed neuropsychologist, etc. EFFECTIVE DATE: July 1, 2012	
SB 0264	Relating to Student Discipline In Public Schools	Sobel
	Student Discipline In Public Schools; Revising provisions relating to the rights of parents and public school students; prohibiting the use of corporal punishment as a form of discipline; deleting the definition of the term "corporal punishment" to conform to changes made by the act; deleting provisions relating to the authority of teachers to administer corporal punishment; revising the duties of district school boards and the code of student conduct relating to the control and discipline of students; deleting provisions relating to the authority of principals to administer corporal punishment, etc. EFFECTIVE DATE: July 1, 2012	

