

# FSBA

# BOARDER-LINE

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The Legislature convened for the 2006 Legislative Session on Tuesday, March 7, 2006. On opening day, Governor Bush delivered his annual State of the State address at a joint session of the House and Senate. The Governor's speech highlighted a number of his education legislative priorities, including high school and middle grades reform, teacher recruitment, retention, and compensation initiatives, and efforts to restore and protect voucher programs. In addition to these emphasized by the Governor, other key education issues that are expected to be addressed during the session are education funding, class size reduction, classroom spending requirements, charter schools, career education, background screening, and workforce housing.

To provide guidance on his funding priorities to the Legislature, Governor Bush has presented his 2006-2007 budget recommendations. The Governor's \$71.2 state budget proposal reflects the robust state economy that has yielded approximately \$5 billion in surplus revenue over previous forecasts. The Governor has also recommended a record \$1.5 billion tax relief package for 2006-2007 that includes a substantial reduction – from 5.239 mills to 4.763 mills – in the school district Required Local Effort property tax millage rate. The Governor has recommended more than \$17.7 billion in spending for K-12 public school operations, an increase of approximately \$1.2 billion. Half of this increase is earmarked for the class size reduction operating categorical. While most of the other traditional FEFP, categorical, and non-FEFP programs have been level funded, or received only modest workload increases, there are several instances where the Governor has proposed additional funding for new and existing programs. In keeping with his legislative priorities highlighted in his State of the State address, Governor Bush has proposed a teacher retention and recruitment package that provides new, earmarked funding in several areas, including \$40 million for a matching grant program that may be used for signing bonuses, housing assistance, professional development, and other activities, \$188 million to purchase laptops for each teacher, and \$55 million for the controversial "E-Comp" performance pay initiative. The Governor has also recommended enhanced funding to implement A++ initiatives, such as high school and middle grades reform, and for career and workforce education. In addition to these recommendations for operating funding, the Governor has proposed some substantial increases in capital funding, including nearly \$2 billion for new construction to meet class size reduction requirements, \$53 million for charter school maintenance, repair and renovation, and \$30 million for high growth school districts. *(For more information on the Governor's budget proposal, please see our Comparison of 2005-2006 Appropriations and the Governor's 2006-2007 Budget Recommendation.)*

### **A++ Legislation**

Both the House and Senate have filed omnibus “A++” bills (HB 7087 and SB 2048) that address a variety of important educational issues, including middle and high school reform, workforce and career education, assessment and accountability, school grading policies, reading initiatives, differentiated and performance pay, and professional development. Since the House and Senate versions of the legislation differ in several ways, we have prepared a chart that provides details and a comparison of the major provisions in these bills. Please be aware that this legislation will be the subject of negotiation and amendment to bring the two versions into alignment. We will update our chart as needed to reflect any changes to the legislation during the session.

### **E-Comp**

In February, the State Board of Education adopted a new rule to establish the controversial Effectiveness Compensation (E-Comp) plan. The E-Comp plan calls for statewide and district-wide ranking of instructional personnel for their performance based upon student academic achievement, and to reward the top ranking 10% of instructional personnel with additional compensation. This rule, and the manner in which it was developed, has raised profound concerns about the statutory authority, appropriateness, equity, clarity, and implementation logistics of E-Comp. The Florida Education Association and the Teachers Association of Lee County have petitioned the Division of Administrative Hearings to invalidate the rule, thus implementation of the provisions of the rule is halted, pending the outcome of that hearing. We will keep you informed of developments on this issue. Meanwhile, FSBA has prepared an [E-Comp Issue Brief](#) that provides background information, outlines concerns, and provides links to related documents.

### **Florida Impact Fee Review Task Force**

In February, the Florida Impact Fee Review Task Force issued its report and recommendations. Two school board members – Tom Greer of Osceola County, and Frank O’Reilly of Polk County – served on this Task Force and very ably represented the interests of school boards. The Task Force recommended that the following five statutory changes be incorporated into existing statutes, rather than creating a uniform impact fee statute:

- **Data** – Require local governments to use the most recent and localized data when calculating an impact fee.
- **Affordable Housing** – Require that all impact fee ordinances address affordable housing. This may include waiving, deferring, exempting, paying out of another source, or establishing a significant affordable housing program. Furthermore, the Task Force recommends that the Legislature fully fund the State Housing Trust Fund and the Local Government Housing Trust Fund, collectively referred to as the Sadowski program, and dedicate the funds for affordable housing units.
- **Accounting and Reporting Collections and Expenditures** – Require that all impact fee collections and expenditures be accounted and reported.
- **Notice** – Require that local governments provide notice of not less than 90 days before the effective date of an impact fee ordinance.
- **Administrative Charges** – Require that administrative charges for impact fee collections be limited to no more than actual cost.

In addition, the Task Force strongly recommended that the Legislature consider additional or alternative funding sources for local governments to meet their infrastructure demands, including authorizing passage of the School Capital Outlay Surtax by majority or super-majority vote of the District School Board, as an option to the referendum requirement, increasing the bonding capacity of County Revenue Sharing Dollars, finding an alternative to augment the Public Education Capital Outlay (PECO) fund, fully funding the Sadowski program for affordable housing, and authorizing all local governments to assess a Documentary Stamp Surtax, similar to Miami-Dade County's \$0.45 per \$100. *(The full report of the Impact Fee Review Task Force and related documents are posted on the FSBA website.)*

### **Action on Key Bills This Week**

#### **PCB CI 06-03 – Charter Schools by Choice & Innovation**

Adds new fiscal accountability requirements related to charter school's annual financial report and new academic accountability requirements for charter schools graded D or F, revises the responsibilities of DOE, of charter school sponsors, and charter school governing boards.

**Action:** Passed the Choice & Innovation Committee.

#### **HB 135 – Charter Schools by Greenstein**

Provides that sponsor of charter school shall not be liable for civil damages for certain actions; provides that duty to monitor such school shall not be basis for private cause of action; expands school district's immunity from assumption of contractual debts.

**Action:** Passed the Choice & Innovation Committee as a committee substitute.

#### **HB 213 – Dividing County School Districts by Brummer *(Identical to SB 532)***

Constitutional amendment to provide that counties with 45,000 or more students may be divided into two or more school districts; to provide for creation of commission, by special law, to draw said district boundary lines, allocate assets, and provide for contractual obligations, debts, & bonded indebtedness, all of which shall be subject to judicial review and approval and voter approval.

**Action:** Passed Education Appropriations as a committee substitute

#### **SB 266 – Relating to Athletic Trainers/Licensure by Fasano *(Similar to HB 569)***

Revises requirements for licensure as athletic trainer; provides that person employed as apprentice trainer or athletic trainer is not exempt from specified provisions; deletes classification of first responder in school district's athletic injuries prevention and treatment program; requires that athletic trainer employed by school district be licensed as athletic trainer.

**Action:** Passed Senate Floor on Second Reading as amended

#### **SB 412 – District School Taxation/Millage by Bennett *(Similar to HB 481)***

Expands authorized uses of revenues from levy of school board millage to include payment of premiums for property and casualty insurance necessary to insure school district educational plants; limits uses of operating funds made available through such expenditures of those revenues.

**Action:** Passed Government Efficiency Appropriations

#### **HB 513 – Career and Professional Academies by Bilirakis *(Identical to SB 1480)***

Provides types of career and professional academies; requires DOE to establish Career High-Skill Occupational Initiative for Career Education (CHOICE) as a competitive process for designation of school district participants and CHOICE academies; requires district student progression plans to provide for substitution of certain courses for credit requirements for high school graduation.

**Action:** Temporarily postponed in the Community Colleges & Workforce Committee.

**HB 801 – Ready to Work Certification Program by Patterson**

Creates Ready to Work Certification Program to enhance student workplace skills; provides for implementation; provides program components; authorizes rulemaking.

**Action:** Passed the Community Colleges & Workforce Committee as a committee substitute.

**HB 7041 – Scholarship Program Accountability by Choice & Innovation (Similar to SB 10)**

Amends provisions relating to the John M. McKay Scholarships for Students with Disabilities Program; revises student eligibility requirements for receipt of scholarship and restricts eligibility therefor; revises and adds school district obligations and clarifies parental options; provides funding and payment requirements for former Florida School for Deaf & Blind students and for students exiting DJJ program, revises eligibility for Opportunity Scholarship program.

**Action:** Passed Education Appropriations

**HB 7087 – Education / A++ by Pre-K – 12**

*(Please refer to our chart outlining the major provisions of this bill)*

**Action:** Passed the Pre-K – 12 Committee.

***Other Bills of Interest***

FSBA is currently tracking nearly 400 education related bills that have been filed for consideration during this session. We have posted a list of selected bills that may be of particular interest to school boards. Please contact the FSBA office for more information on these posted bills. In addition, the Senate and House web sites may be accessed at [www.leg.state.fl.us](http://www.leg.state.fl.us) for more information on bills, legislators, legislative meeting schedules, and other legislative events.

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**Important Legislative Dates**

March 7, 2006	2006 Legislative Session Convenes
March 22 - 24, 2006	FSBA Day In the Legislature Conference
April 8 - 11, 2006	66 <sup>th</sup> Annual NSBA Conference, Chicago
May 5, 2006	2006 Legislative Session Adjourns

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