

# FSBA

# BOARDER-LINE

Official Legislative Bulletin of the  
Florida School Boards Association

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**March 9, 2007**

**Volume 2007, Number 2**

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The 109<sup>th</sup> session of the Florida Legislature convened on Tuesday. As is traditional on the opening day of Session, the Governor delivered his State of the State address to a joint meeting of the Legislature. In his speech, Governor Crist stated that Florida's "promise of an excellent public education ... is not just an obligation, it is a civil right – it is the equal opportunity provider, and it ensures that all of our children have an equal opportunity to participate in the American dream." Governor Crist highlighted his education priorities including revising and increasing performance pay, continuing implementation of class size reduction, increasing the number of reading coaches, and providing a virtual tutoring program. The Governor also emphasized the need to promptly address property tax relief.

### **Property Tax Relief**

The Governor has proposed several measures to provide property tax relief, including doubling the homestead exemption to \$50,000 – though this would not apply to school district tax levies – and making the "Save Our Homes" property tax limitation portable. Previously, the Governor had also suggested providing a property tax exemption and a limitation similar to "Save Our Homes" to businesses. These measures would provide about \$2 billion in property tax relief. In response to the Governor's proposals, last week the House unveiled a two-part tax relief plan. The first phase calls for a roll back of the property tax rate to 2000-01 levels, adjusted for inflation, and then applies a cap on the rate going forward. School districts would not be subject to the roll back, but would be subject to the cap going forward. This portion of the House plan would provide \$5.8 billion in property tax relief. The second phase of the House plan would eliminate property tax and replace it with a 2.5¢ increase in the state sales tax rate. The Senate will unveil its property tax relief plan next week and it is expected that a portion of the Senate's plan will focus on how property is appraised. Due to the complex and controversial nature of all of these proposals, extensive revision and compromise probably will be necessary. Also, many of these measures would require a constitutional amendment, so a 3/4 vote in each chamber of the Legislature would be necessary for passage. Forging such a consensus will be difficult, making dramatic, sweeping change less likely. *(For more information on these property tax issues, please see the Florida Property Tax Study prepared by the Office of Economic and Demographic Research, available at the [EDR website](#).)*

### **Performance Pay Legislation**

Both the House and Senate discussed and amended their proposed performance pay bills this week. The House bill is still in the form of a Proposed Committee Bill (PCB SLC1); the Senate bill is SB 1226. While both bills have strengths and weaknesses, they both propose significant improvements to the current STAR Program. In addition, both bills revise the current STAR Program deadlines, and the Senate bill substantially revises the distribution of STAR Program funding. Legislative leaders have announced their intent to resolve differences between the bills and pass the legislation by April 1 in order to facilitate the transition from the STAR Program to the next new performance pay program. [Attached](#) is a table that describes and compares the provisions of the House and Senate Bills.

**Bill Action This Week**

**HB 461 High School Athletics by Llorente** (Similar to [SB 2200](#) by Villalobos)

This bill establishes a one-year, random, anabolic steroids testing program for students in grades 9 through 12, who participate in football, baseball, and weightlifting. The program is to be administered by the Florida High School Athletic Association (FHSAA) during the 2007-2008 school year. Public and private schools must participate in the program as a prerequisite to FHSAA membership. FHSAA must submit an annual report of program results to the Legislature. The bill provides program requirements, penalties, and challenge and appeal procedures. Although the testing program is to be funded by the Legislature, the bill does not contain an appropriation. A linked bill – HB 463 – provides related public records exemptions.

**STATUS:** Passed Education Innovation & Career Preparation as a Committee Substitute (CS)

**HB 465 Corporate Income Tax Credit Scholarships by Legg** (Identical to [SB 1212](#) by Wise)

The bill expands eligibility for Corporate Income Tax Credit (CITC) Scholarships to include specified students who have been in Department of Juvenile Justice programs and students who have been placed in foster care. Further, the bill provides that the family income for foster care students must only consist of the income that may be considered in determining whether the student qualifies for free or reduced price school lunches under the National School Lunch Act.

**STATUS:** Passed Education Innovation & Career Preparation as a CS

**HB 795 Office of Public Inspector by Lopez-Cantera**

This bill creates the Office of Public Inspector (OPI) in the Office of the Commissioner of Education. The OPI is authorized to investigate any complaint received from the general public and any complaint determined to be substantiated and filed with a school board, charter school, Florida School of the Deaf and Blind, or public postsecondary institution relating to waste, fraud, or financial mismanagement. The OPI is granted access to all information and personnel deemed necessary and must establish a toll free hotline to receive complaints. The OPI is responsible for gathering and reporting sworn complaints of teacher abuse, molestation, and sex offenses; sworn complaints of fraud in school construction and overpayments for school contracts; sworn complaints of cases of teachers or noninstructional school district employees charged with driving under the influence of alcohol or controlled substances, theft, robbery, or FCAT cheating; and sworn complaints of district school board, district school superintendent, or administrative personnel impropriety. The OPI must compile an annual report on the activities of his office.

**STATUS:** Passed Government Efficiency and Accountability as a CS

**SB 924 Single Gender Schools / Classes by Wise**

The bill authorizes school boards to establish and maintain a single-gender school, class, or program when the school district also makes available a coeducational school, class, or program that has substantially equal academic standards and a school, class, or program for pupils of the other gender that has substantially equal standards. Student participation at a single-gender school, class, or program is voluntary. School boards must evaluate all single-gender schools, classes, or programs established by the district at least every 2 years to ensure that they are in compliance with federal requirements.

**STATUS:** Passed Education Pre-K – 12 as amended

**SB 988 High Risk Offenders by Argenziano**

This bill makes several changes to the Jessica Lunsford Act provision requiring fingerprint-based background checks for contractors who are permitted on school grounds when students are present. The bill continues to subject certain school contractors to Level 2

background screenings and clarifies that contractors who contract directly with schools must also be screened. The bill provides a list of offenses that disqualify a noninstructional contractor from having access to school grounds when students are present. The bill requires fingerprint-based background checks to be performed at least every 5 years. The bill also exempts from fingerprint-based background checks:

- Noninstructional contractors who are under the direct supervision of a school district employee or contractor who has had a criminal history check and meets the screening requirements;
- Noninstructional contractors who are required by law to undergo a level 2 background screening for licensure, certification, employment, or other purposes;
- A law enforcement officer who is assigned or dispatched to school grounds;
- An employee or medical director of an ambulance provider;
- Noninstructional contractors who remain at a site where students are not permitted if the site is separated by a single chain-link fence of 6 feet in height;
- A noninstructional contractor who provides pick-up or delivery services and those services involve brief visits on school grounds when students are present.

The bill clarifies that instructional personnel who have undergone Level 2 background screening are not required to be rescreened.

**STATUS:** Passed Criminal Justice as a CS

### **SB 1232 Career and Professional Education by Gaetz**

The bill revises career education within career and professional academies. The bill defines career and professional academies (academies) as public high school academies that offer a rigorous and relevant curriculum that leads to industry-recognized certification in high demand occupations, a standard high school diploma, and opportunities for high school students to simultaneously earn college credit. The bill requires school districts to develop, in collaboration with local workforce boards and the postsecondary community, strategic five-year plans during the 2007-2008 school year that include provisions for at least one academy to be operational in the school district at the beginning of the 2008-2009 school year. The State Board of Education is required to establish a process for the continual review of newly proposed rigorous and relevant core high school courses to meet the requirements for industry standards and to address emerging academic and labor market needs. The Agency for Workforce Innovation (AWI) must identify appropriate industry certifications based on the highest national standards available. The bill requires DOE to work with Workforce Florida and Enterprise Florida to collect and analyze academic achievement and performance data of students participating in academies. The bill also amends the FEFP to provide a bonus weight for the funding of students enrolled in career and professional academies that result in industry certification.

**STATUS:** Passed Education Pre-K – 12 as a CS

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