

FSBA

BOARDER-LINE

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2014 Legislative Session Overview

The Legislature

Under the leadership of Senate President Don Gaetz and House Speaker Will Weatherford, Republicans continue to enjoy a strong majority in both chambers. As they did successfully last year, President Gaetz and Speaker Weatherford have espoused a joint work plan for this Session. The five-point work plan includes a \$500 million tax cut, steps to expand economic opportunity through education, support for our military, protection of vulnerable Floridians, and improvements in the way government works for Florida citizens. Several elements of this work plan will have a direct impact on K-12 education, particularly with regard to funding, expansion of school choice and voucher programs, and revision to the Florida Retirement System.

Economy and Budget

Florida's economy is continuing to improve and the state has reaped the benefits of higher collections in sales and property taxes. After funding the state's base budget for 2014-15 and setting aside substantial funding in state reserves, the Legislature will have about \$1.3 billion to "play with" when they draft the state budget this year. There is general agreement among the Governor and Legislative Leaders to return about \$500 million in tax cuts to Florida's citizens and businesses. The Governor has recommended that this tax cut package come, primarily, in the form of a reduction in auto tag fees and extended sales tax holidays (including the popular Back-to-School tax holiday), but the Legislature may take a different approach that may include the redirection of more corporate tax revenues to fund a significant expansion of the Tax Credit Scholarship Program. Meanwhile, Agriculture Commissioner Adam Putnum has proposed a \$450 million tax cut package that provides a business energy tax cut combined with the redirection of the remaining energy tax revenue to rejuvenate PECO funding.

With regard to K-12 education funding, the Governor's budget recommendation provides \$18.84 billion for the FEFP – an increase of \$542 million over the current year. Most of this increase is derived from local property tax revenue. Still, this increase equates to a 2.5% increase in total funds per student. *(For more details on the Governor's education budget recommendation, please see the Governor's FEFP Funding Summary – posted with this issue of Boarder-Line.)* The Legislature will take the Governor's recommendations under advisement as they draft the state budget, but key legislators have also indicated some of their own education funding priorities that are likely to be pursued. For example, some (particularly in the Senate) have indicated a desire to invest more in public school technology and to establish ongoing categorical funding for this purpose. In addition, legislators have confirmed that funding for the teacher salary increase this year is included in the base budget, so it will recur and be available in the 2014-15 budget. However, it is unclear whether any additional funding for salary increases will be provided. Meanwhile, it is likely that there will be some relief on the Dual Enrollment funding issue, but little chance for improvement on the revised FTE calculation adopted last year. Ultimately, our best education budget prediction at this time is that it's likely that there will be a 2% - 2.5% increase in FEFP funding, but it's unlikely that there will be much discretion in the use of that funding.

Key Education Issues

Among dozens of education issues that will be addressed during this session, there are several that will be likely to be in the spotlight. From our current full bill tracking list, below are some of the key issues and bills that will be on center stage during the 2014 Session.

Education Performance Accountability System

[HB 875](#) – Education Fiscal Accountability by M. Diaz (S: [SB 1100](#) by Flores)

Requires school report cards to include school and school district return-on-investment (ROI) ratings; requires Commissioner of Education to establish statewide education ROI index to evaluate extent to which schools and school districts are using financial resources to improve student achievement; requires commissioner to assign and publish ROI ratings; creates Schoolhouse Funding Pilot Program in DOE subject to annual appropriation; provides requirements for pilot school participating in program. *[NOTE: This bill is the new focus of the same groups that backed and advocated for the Parent Trigger bill]*

[SB 1226](#) – Education / Audits by Montford (I: [HB 7031](#) by K-12)

Requiring the Auditor General to notify the Legislative Auditing Committee if a district school board fails to take corrective action subsequent to an audit; repealing provisions relating to the Learning Gateway program; revising the definition of the term “Next Generation Sunshine State Standards”; revising Department of Education duties relating to the public broadcasting program system; revising course and assessment requirements for the award of a standard high school diploma, etc. *[NOTE: This bill is intended as a SB 1076 “glitch” bill. Among other things, the bill attempts to correct inconsistencies created in SB 1076 for certain cohorts of students with regard to required course, testing, and graduation requirements.]*

[SB 1368](#) – Education Performance Accountability by Montford (S: [HB 1187](#) by Saunders)

Establishing the Transition Education Accountability Task Force within the Executive Office of the Governor; requiring the implementation of the Next Generation Sunshine State Standards in a specified year be extended through a specified school year; prohibiting the use of a student’s performance on the FCAT as a requirement for graduation, promotion, retention, or assignment of grades during the transition period from the FCAT to a new assessment, etc. *[NOTE: This bill seeks to insert a workable transition timeline for the implementation of new standards and assessments and it delays sanctions that would apply to students, teachers, schools, and school districts during the transition period.]*

[SB 1642](#) – Education Accountability by Education

Providing definitions for the statewide, standardized assessment program and school grading system; requiring the Department of Education to develop a district report card; revising criteria that necessitate a school’s improvement plan to include certain strategies; revising legislative intent for the K-20 education performance accountability system, etc. *[NOTE: This bill presents DOE’s recommended transition timeline with respect to school grading.]*

School Choice Options

[SB 1528](#) – Charter Schools by Bradley (S: to [HB 7083](#) by Choice & Innovation)

Requiring the State Board of Education to adopt the DOE-developed standard charter and charter renewal contracts in rule, which sponsors and applicants must use thereafter; revising the contents of the application and charter so that issues currently reserved for charter negotiations are decided upon by the sponsor during the application process; authorizing an out-of-state entity that successfully operates a system of charter schools to apply and qualify for high-performing charter school system status; etc.

[SB 1620](#) – Florida Tax Credit Scholarship Program by Galvano (S: [HB 7099](#) by Finance & Tax)

Creating a credit against the sales and use tax for contributions to an eligible nonprofit scholarship-funding organization; revising the disqualifying offenses for scholarship-funding organization owners

and operators; establishing the Florida Sales Tax Credit Scholarship Program; providing parent, student, scholarship-funding organization, Department of Education, school district, and Commissioner of Education responsibilities, obligations, and powers with respect to the scholarship program, etc.

SB 1512 – Students with Disabilities by Stargel (S: [CIS-2](#) by *Choice & Innovation*)

Establishing the Florida Personalized Accounts for Learning; specifying criteria for students who are eligible to participate in the program; prohibiting specific providers, schools, institutions, school districts, and other entities from sharing, refunding, or rebating program funds; prohibiting specific providers, schools, institutions, school districts, and other entities from sharing, refunding, or rebating program funds, etc.

Florida Retirement System

SB 184 – Florida Retirement System by Brandes

Providing for compulsory membership in the Florida Retirement System Investment Plan for employees in the Elected Officers' Class or the Senior Management Service Class initially enrolled after a specified date; prohibiting an elected official eligible for membership in the Elected Officers' Class from enrolling in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program; requiring certain employees initially enrolled in the Florida Retirement System on or after a specified date to be compulsory members of the investment plan, etc.

SB 1110 – Deferred Compensation by Community Affairs

Requiring that state employees be automatically enrolled in the deferred compensation program by specified dates; requiring the Chief Financial Officer to notify state employees of automatic enrollment by a specified date; establishing contribution levels for participating state employees by specified dates; requiring a state agency to match employer contributions up to a specified amount, etc.

SB 1114 – FRS Cash Balance Plan by Community Affairs

Requiring the Trustees of the State Board of Administration to establish the Florida Retirement System Cash Balance Plan; requiring employees and employers to make contributions for funding the plan; providing that the plan provide a lump-sum or annuity benefit; providing procedures for employees who are members of the pension plan or investment plan before a certain date to transfer to the cash balance plan; providing procedures for employees employed after a certain date to be enrolled in the investment plan or cash balance plan, etc. [See also [SB 1110](#) & [SB 1112](#)]

Facilities

HB 899 – Electrical Power or Energy / PECO by Hill (S: [SB 1076](#) by *Flores*)

Imposes additional tax on gross receipts for electrical power or energy for specified years; revises exemptions from tax on gross receipts for utility & communications services; provides exemptions from additional tax on gross receipts from electrical power or energy; requires additional tax to be excluded from taxable base on which gross receipts are calculated under certain circumstances; revises sales tax rate for charges for electrical power or energy; provides that discretionary sales surtaxes apply regardless of sales tax rate for charges for electrical power or energy; requires discretionary sales surtaxes to be levied on all charges for electrical power or energy unless specifically exempted; provides for sales tax holiday for certain products; provides restrictions; authorizes emergency rules. [Commissioner Putnam's Proposal]

Bullying, Zero Tolerance, and School Safety

HB 451 – Bullying by Fitzenhagen (I: [SB 548](#) by *Simmons*)

Provides that person who willfully, maliciously, and repeatedly harasses or cyberbullies another person commits offense of bullying; provides that person who willfully, maliciously, and repeatedly harasses or cyberbullies another person and makes credible threat to that person commits offense of aggravated bullying.

HB 753 – School Safety by Stube (S: **SB 968** by Hays)

Provides exception to prohibition on possession of firearms or other specified devices on school property or other specified areas for authorized concealed weapon or firearm licensees as designated by school principals or district superintendents; provides requirements for designees; requires school boards to formulate policies & procedures for dealing with active shooters & hostage situations; requires that active shooter training for each school be conducted by law enforcement agency that is first responder agency for school; requires plans for new schools be reviewed by law enforcement agencies for specified purposes & that their recommendations be incorporated in plans before construction contracts may be awarded; permits district school boards to commission one or more school safety officers on each school campus.

Local Authority and Policies

SB 188 – Education Data Privacy by Hukill (I: **HB 195** by Raburn)

Providing for annual notice to K-12 students and parents of rights relating to education records; providing limitations on the collection of information and the disclosure of confidential and exempt student records; revising provisions relating to the submission of student social security numbers and the assignment of student identification numbers; requiring the Department of Education to establish a process for assigning student identification numbers, etc.

SB 718 – Public Meetings by Legg (I: **HB 985** by Santiago)

Requiring that the notice of a public meeting include a description of each matter to be considered at such meeting; prohibiting the board or commission of an agency or authority of the state, a county, a municipality, or a political subdivision from acting upon a matter at a public meeting which was not included in the notice of such meeting; providing an exception for certain emergency matters upon the approval of a super majority of the members of the board or commission, etc.

SB 864 – Instructional Materials / Adoption by Hays (S: **HB 921** by M. Gaetz)

Providing that the district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students; requiring a district school board or consortium of school districts to implement an instructional materials program; repealing provisions relating to bids, proposals, and advertisement regarding the adoption of instructional materials; requiring the district school board, rather than the commissioner, to conduct an independent investigation to determine the accuracy of district-adopted instructional materials, etc.

SB 1060 – Code of Student Conduct by Evers (S: **HB 7029** by K-12)

Providing that simulating a firearm or weapon while playing or wearing certain clothing or accessories is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system; providing actions that constitute simulating a firearm or weapon while playing; providing criteria for determining whether certain student conduct warrants disciplinary action, etc.

FSBA 2014 Legislative Session Information Center

Our Information Center contains a number of reference, resource, and advocacy materials to assist you in staying informed and active throughout the 2014 Session. Below is a list of some of the items available in the Information Center. We encourage you to bookmark our Information Center webpage so you can access it easily to review and use these items. The Information Center is linked above or is available via this direct link:

<http://fsba.org/services/government-relations/state-government-relations/information-center>.

FSBA Bill Tracking List

Typically, more than 350 education related bills are filed for consideration during each Legislative Session. FSBA maintains a list and brief summary of the bills that are of particular interest. The list is broken down by topic to make it easier for you to locate bills of interest. The FSBA Bill Tracking List is updated and posted each week. Our Tracking List links each bill number to the

House or Senate web page that can provide additional information about the bill, including the bill sponsor, bill text, legislative staff analysis, and recent actions. Bills of particular interest are also discussed in greater detail in each issue of Boarder-Line.

Key Committees

We have posted a list of the key education related committees. This committee list provides live links to the website for each committee where you may access the committee members, meeting agenda, meeting packet, and other information. FSBA encourages you to familiarize yourself with these committees and to note those members who represent your school district so that you may contact these legislators when issues of interest come up during the Session.

Legislator Contact Information

We have posted a list of school district legislative delegations that includes email links for each legislator. We have also posted a separate directory of the email addresses of each legislator.

Legislative Advocacy Toolkit

We have posted a variety of documents to assist you in your advocacy during the Legislative Session. Some of the advocacy tools include a self-guided presentation on Understanding the Legislative Process, a chart depicting the process by which a bill becomes a law, a description of the Florida Education Finance Program (FEFP), a link to current Florida Statutes, and links to relevant websites.

Important Dates

March 4, 2014	2014 Legislative Session Convenes
March 19 - 20, 2014	FSBA Day In the Legislature Conference
March 21, 2014	FSBA Board of Directors Meeting
May 2, 2014	2013 Legislative Session Adjourns

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