


MEMORANDUM

December 16, 2011

TO: The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

FROM: Alberto M. Carvalho, Superintendent of Schools 

SUBJECT: LEGISLATIVE UPDATE – COMMITTEE MEETINGS OF DECEMBER 5-8, 2011

Last week the Florida Legislature held its last interim committee meetings prior to the commencement of the 2012 Legislative Session. During interim committees, no significant work has been accomplished on substantive issues as most of the attention has been directed to redistricting, which no doubt will dominate politics during the upcoming session.

As you know, the Governor released his recommended budget to the Florida Legislature last week, past the statutory deadline, not allowing much discussion or reaction by the Legislature. The Governor's budget does ease many of the pressure points in the education budget and provides tax cuts to businesses by making significant reductions to other parts of the state budget, more specifically health care and transportation. Education K-12 funding is projected to experience a \$1.2 billion shortfall as a result of: \$224 million required to replace nonrecurring trust funding; increased student enrollment of approximately 38,000 students at a cost of \$234 million; declining property values entailing \$239 million; and the replacement of federal stimulus Jobs Bill monies sunseting June 2012, \$554 million. It is unclear whether the Legislature will heed the Governor's recommended budget policies or simply ignore them.

The Board's legislative priorities have been filed or are in bill drafting as follows:

- Modifying the penalties associated with class size reduction non-compliance – SB 512 by Senator Bogdanoff and HB 383 by Representative Baxley;
- Providing flexibility related to the terms of a General Obligation Bond - SB 750 by Senator Flores and HB 465 by Representative Diaz;
- Expanding the allowable uses of the current surtax available to local school districts to include maintenance costs - SB 980 and the House Bill is in bill drafting;
- Obtaining flexibility in the calculation of class size compliance, how schools are built, and other substantive areas – HB 383 by Representative Baxley and Senator Simmons has committed to it;
- Eliminating the sunset provision of the co-enrollment policy – HB 407 by Representative Logan and Senator Braynon;
- Requiring a third-party study of the education formula – SB 142 by Senator

- Flores and HB 765 by Representative Julien; and
- Modifying the accountability formula - SB to be determined by Senator Montford and a Proposed Committee Bill in the House of Representatives.

We are working with the sponsors above to have the issues calendared and heard in committee as soon as possible. Additionally, we are working with other school districts to ensure there is broad support for these issues. Moreover, we have requested that the other member districts of the Greater Florida Consortium of School Boards have their respective legislative delegations support the bills and co-sponsor them. The Consortium districts represent a slight majority (52 percent) of the Florida Legislature.

Bills heard in committee this past week are as follows:

HB 4057, relating to Physical Education in Public Schools, by Representative Metz, eliminates the requirement of one semester of physical education in middle school. The proposal was vigorously debated but passed the K-20 Innovation Subcommittee.

HB 19, relating to Public School Buses, by Representative Nelson, authorizes school districts to place commercial advertisements on the exterior of a school bus. The school district must implement policies to address, at a minimum, reimbursement for all costs incurred for the support of the advertising; content restrictions on advertisements; and standards related to the design, placement, and size of advertisements. While advertising on buses is currently prohibited by State Board of Education rule, school districts may sell advertisements in other locations. Some school districts have policies in place outlining the sale of advertisements on school property. A few states currently permit advertisements on school buses. The bill passed the K-20 Competitiveness Subcommittee favorably as a committee substitute.

HB 273, relating to Student Safety by Representative Kiar, requires the agency responsible for notifying a school district for each type of emergency to be listed in each district school board's emergency response policy and in its model emergency management and preparedness procedures. The emergency response agencies listed must notify private schools in the school district of occurrences that threaten student safety if the private school requests such notification by opting into the district school board's emergency notification procedures. The bill passed the K-20 Competitiveness Subcommittee favorably.

HB 285, relating to Sick Leave for School District Employees, by Representative Harrell, authorizes, but does not require, school districts to create policies which permit employees to donate their unused sick leave to a specific, non-relative employee. The policy must require that the recipient provide documentation for which leave is authorized, establish a minimum number of sick leave days needed to participate in the sick leave program, require that any unused transferred sick leave be returned to the authorizing employee whose donated sick leave has not yet been used, and establish a minimum number of sick leave days an authorizing employee must retain. Recipients must have exhausted all of their own sick leave before using donated leave. Donated

sick leave has no terminal value. The bill passed the K-20 Competitive Subcommittee favorably as a committee substitute.

SB 834, relating to Juvenile Justice Education and Workforce Programs, by the Senate Education PreK-12 Committee, is the work product of an interim project creating the Florida Juvenile Justice Education Act. The bill is a comprehensive attempt to transform education opportunities for children in the Juvenile Justice system. Under this proposed legislation, the Department of Education would be required to develop performance ratings for school districts and private providers based on student performance outcomes. If a district or provider earns two consecutive failing performance ratings or two failing performance ratings in any three-year period, the district or provider must enter into contract with a district/provider that has a high-performance rating. Department of Juvenile Justice (DJJ) may use authority to sanction or prohibit private provider from delivering education services.

SB 256, relating to Youth and Student Athletes, by Senator Flores, 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; requiring parents or guardians to sign a consent form that explains the nature and risk of concussion and head injury; requiring a youth or student athlete suspected of sustaining a concussion or head injury in a practice or competition to be immediately removed from the activity; and prohibiting a youth or student athlete who has been removed from a practice or competition from returning to practice or competition until the youth receives written clearance from a medical physician or osteopathic physician. The bill passed the Senate Health Regulation Committee favorably.

SB 366, relating to Group Insurance for Public Employees, by Senator Gaetz, incoming Senate President, 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, serving two-year terms, with representation as follows:

- 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.

This bill requires that Consortium-purchased insurance be competitively bid. Insurance may be purchased for statewide or regional use and, if regional, the Consortium must include districts of different sizes. Multiple providers are authorized. To opt out, a school board must hold a properly noticed public meeting and find that it is less

expensive to purchase insurance elsewhere. Therefore, some school districts may continue to purchase insurance independently, provided that they comply with the process required in current law. This bill takes effect on July 1, 2013, or upon expiration or renewal date of any existing contract whichever is the latter. Therefore, this legislation would not alter terms of existing contracts. The bill passed the Senate Government Oversight and Accountability Committee. It has already passed the Senate PreK-12 Education Committee.

HB 4041, relating to Education Law Repeals, by Rep. Burgin, repeals SS. 1006.17 and 1006.70, F.S., two substantively identical statutes relating to sponsorship of athletic activities similar to those for which scholarships are offered. In effect, both statutes require public high schools, Florida College System (FCS) institutions, and state universities to align their sports offerings so that student athletes have the opportunity to play the sports for which collegiate scholarships are offered.

SB 416, related to texting while driving, sponsored by Senator Detert, was heard and passed out of Senate Transportation. Both Senate sponsor and House sponsor, Senator Detert and Representative Pilon, (HB 299) have agreed to amend their respective bill to establish a penalty for driving while texting in a school zone.

Bills filed of significant concerns

HB 903 has been filed, but not heard at this time, which would require school districts to share its locally-levied tax revenues for capital outlay purposes on a per student basis or face a proportionate reduction in its FEFP proceeds. The Board has a position in its legislative platform in opposition to legislation that would require sharing such funding with charter schools, further diminishing revenues available for capital needs.

HB 603 would eliminate the ability for school districts to levy impact fees. The Board also has a position in opposition on this issue.

Finally, the Miami-Dade County Legislative Delegation has re-elected Representative Carlos Lopez-Cantera as Delegation Chair and Representative Jose Diaz as Delegation Vice-Chair. The 2012 session begins January 10, 2012, with the economic forecast for 2012-2013, indicating a budget gap of up to \$1.9 billion. Tough decisions, no doubt, will have to be made by the Florida Legislature.

If you have any questions or need additional information, please contact Ms. Iraida R. Mendez-Cartaya, Assistant Superintendent for the Office of Intergovernmental Affairs, Grants Administration, and Community Engagement, at 305-995-1497.

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cc: School Board Attorney
Superintendent's Cabinet

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