

FEA Frontline Report

2014 Legislative Session – Sine Die!

Final Edition

May 5, 2014

During this year's legislative session, the Florida Legislature approved a strain of medical marijuana, in-state tuition for undocumented immigrants, talked at length about growlers and beer, raised speed limits, handed out a lot of budget "turkeys" and finished rolling out a \$500 million package of tax-and-fee cuts. What they failed to do was pass an FRS bill that would have been a 'soft close' of the state pension program.

You probably saw the discussions on Facebook and Twitter about the voucher expansion passing. People have asked "how come you couldn't stop that bill?" The simple answer is we didn't have the votes against vouchers to kill the bill outright. The longer story is about what we did have: enough votes to stop the waiving of the rules. Warning: this may be confusing.

Along with Robert's Rules of Order, the House and Senate each have rules on how they will conduct amending and hearing of bills. If you have ever sat in a committee meeting or in the House or Senate gallery, you have probably heard them waive the rules. It's so common that it seems like part of the normal spiel: "hearing no objection, the rules are waived." Waiving the rules takes a 2/3 vote but if no one objects, the Senate President or Speaker rolls on through the agenda.

Just a few years back, Republican legislators so out-numbered the Democrats that there weren't enough Democratic votes to stop the waiving of the rules. We called it a "super majority." After the 2012 elections things changed.

That brings us to the story of voucher bill SB 1512. There is a procedure the legislature must follow when the House and the Senate bills don't exactly match up; the bills must be amended to become identical before final passage. But Senator Stargel hadn't filed her "delete all" amendment on time to SB 1512 to make it identical to HB 7167 -- so her amendment was classified as "late filed." HB 7167 was not acceptable to Gaetz as there was no accountability measures included in the bill -- one of his demands on any new voucher program. Both bills had to be changed.

To hear a late filed amendment, the rules have to be waived. Stargel tried to take up the House version HB 7167 which had been passed by the House and was sitting in "Senate Messages" but that effort was blocked because it required waiving the rules. They decided to hear SB 1512. When the late-filed-delete-all amendment to SB 1512 came up for its floor hearing, Senator Gaetz waived the rules as usual, but Senate Democratic Leader Chris Smith raised an objection. Gaetz had to call for the 2/3 vote to waive the rules. All 14 Democrats voted against waiving the rules, killing that bill. This was on the 59th day of the Legislative session

The House has a rule that says after the 58th day of session, only bills in "returning messages" can be taken up. That means bills that have been heard and passed by the House, then sent over to the Senate

where the bill is amended and passed, then sent BACK to the House can be taken up by the House. The only option left to Stargel was to amend her bill to a bill that would be in returning message. That is where SB 850 came in: it was an education bill in the right place at the right time so the House or Senate rules did not have to be waived to take a final vote on the bill. And the late filed amendment rule was no longer applicable on the final day of session to a bill in returning messages.

We watched for voucher amendments to drop – but none were filed. At 10:43 a.m. on the last day of the session, Senator Legg filed a 141 page amendment to SB 850 just minutes before the bill was taken up by the Senate. All rule challenges had been avoided. Leader Smith and other Democrats questioned the process but they were over-ruled. The bill passed and was sent to the House, where rumors ran wild as Speaker Weatherford had the bill temporarily passed (postponed) twice. Was he going to kill the bill? Were the voucher folks objecting to the accountability measures in the bill? Were there procedural problems?

In the end, we found out the bill was being held hostage. It contained language that incoming Senate President Andy Gardiner really wanted so the House was using it for leverage on a healthcare issue. Once they got their way, the bill passed with only one House Democrat voting for the bill, and one House Republican voting against it.

There is still a lot of analysis to do before we provide you with our End of Session Report as some bills which were passed Friday were heavily amended – such as the 141 page amendment which established a new voucher program called Personal Learning Accounts and made changes to the Corporate Tax Voucher program that was released while the bill was being taken up on the Senate floor.

Bills that Passed

[HB 115](#) *Public Meetings/University Direct Support Organizations by Pigman – allows meetings or a portion of a meeting held by a board of directors of university direct support organization, executive committee or other committees of board at which proposals seeking research funding from an organization or plan or program for initiating or supporting research is discussed.*

[SB 188](#) *Data Privacy by Hukill – annual notice to the K-12 students and parents of rights relating to education records, limitations on the collection of information and the disclosure of confidential and exempt student records. Also revises the use of student social security numbers and the assignment of student identification numbers.*

[HB 337](#) *Teacher Classroom Supply Assistance Program by Fresen – revises procedures for distributing program funds to classroom teachers.*

[HB 433](#) *Educator Certification by Spano - establishes requirements for certain instructional personnel who supervise or direct pre-service field experience; revises acceptable means of demonstrating mastery of general knowledge, subject area knowledge, and professional preparation and education competence; revises components of competency-based professional development certification and education competency program; repeals study to compare performance of certain certificate holders; revises certain requirements for renewal or reinstatement of professional certificate.*

[SB 790](#) *Education Technology by Legg – describes the purpose for the Florida digital classrooms allocation and requires the State Board of Education to adopt a Florida digital classrooms plan that establishes certain protocols, parameters, requirements, and digital tools.*

[SB 850](#) *Education by Legg* – The bill contains revisions to many sections of education statute including provisions relating to middle grades education and schools. The bill revises requirements for high school diploma designations and authorizes additions to Industry Certification Funding List. It was significantly amended to include the provisions of [HB 277](#) – Joint Use of Public School Facilities, [HB 173](#) – Juvenile Justice Education Programs, [HB 87](#) – Fine Arts Courses, and a provision that would allow an online driver’s education course to satisfy the requirement for a student to take at least one online course for graduation.

But later in the week, [SB 850](#) became the amendment ‘train’ that helped pass the voucher expansion bill contained in [SB 1512](#) – Education / Scholarship Programs by Stargel. This bill started out as a 5 page bill on establishing a collegiate high school program that later morphed into a 141 page ‘train’ with everything but the education kitchen sink. (NOTE: the enrolled version of the bill was not available when this report was compiled)

In the end, SB 850 was a mash-up of the middle school early warning system for kids at risk of drop-out, expanding CAPE certification availability to students, digital skill training, grade point average calculation, revises Merit and Scholar diploma designations, revises hazing definition and the consequences of hazing, directs the Florida College System to work with each district school board in their service areas to establish a collegiate high school program, establishes various funding calculations for the numerous programs within the bill, and renames the Florida Agricultural and Mechanical University Crestview Education Center as the Senator Durell Peaden, Jr., FAMU Education Center.

The voucher amendment establishes a new voucher program – the Florida Personal Learning Scholarship Accounts for students with specified disabilities. And the bill also contains revision to the Florida Tax Credit Scholarship Program by expanding student eligibility and funding for the program. There are provisions in this language that attempt to add operational and academic accountability; but the measure falls short and does nothing to provide evidence of student learning gains or any other significant return on Florida’s investment of public tax dollars in this voucher program. Democrats voting for the bill: Senators Margolis, Ring and Soto. In the House the only Democrat voting for the bill was Rep. Daphne Campbell (Miami Shores).

[HB 851](#) – Resident Status for Tuition Purposes “Dreamer Bill” by Nunez –The bill provides that a United States citizen who is a dependent child may not be denied classification as a resident for tuition purposes based solely upon the immigration status of his or her parent. It amends the definitions of “dependent child” and “parent” regarding establishing residency for tuition purposes.

[SB 864](#) *Instructional Materials by Hays* - This bill is much better than the original version. It retains the state-level adoption process; retains the local option for the school board to handle its own textbook adoption process; provides that each district school board is responsible for the content of all instructional materials used in a classroom; requires district school boards to provide a process for public review of, and comment on, instructional materials; provides additional requirements for those school districts that choose to exercise the option for local instructional materials review and adoption; revises criteria for state-level instructional materials reviewers; requires school boards to adopt a policy outlining a process for parental objection of instructional materials and a process by which a parent may contest the district school board's adoption of a specific instructional material.

[SB 1642](#) *Education Accountability by Education – This bill is modeled on the Commissioner of Education proposal to simplify the state’s school-grading system and pause the most serious consequences for schools. It incorporates the department’s ideas to transition to new state standards and assessments. We remain concerned that the bill does not go far enough to ensure a smooth transition that will be fair and equitable for students, parents, teachers, schools, and school districts. We’ll be talking about this bill in more detail in the End of Session Report.*

[HB 7029 \(SB 1060\)](#) *Code of Student Conduct aka the “Pop Tart” bill that removes disciplinary actions related to children simulating a firearm or weapon while playing or wearing certain clothing or accessories are not grounds for disciplinary action or referral to the criminal justice or juvenile justice system.*

[HB 7031](#) – *This is a ‘repealer’ bill which revises and repeals various provisions relating to education; revises course and assessment requirements for promotion to high school and for award of standard high school diploma; provides course and assessment requirements for graduation for certain cohorts of high school students transitioning to new graduation requirements; revises and conforms provisions relating to selection and purchase of instructional materials, statewide assessment program, education personnel, and educational facilities.*

Bill Graveyard

[HB 707](#) /[SB 1204](#) *Background Screening by Diaz was passed by the House. The Senate version SB 1204 by Montford died in committee.*

[HB 753](#) /[SB 968](#) *School Safety by Steube (guns in schools) in Senate Messages. SB 968 by Hays was last heard March 13 by the Senate Criminal Justice committee and died in committee.*

[SB 790](#) *Digital classroom plan by Legg has been temporarily postponed on the Senate Floor. The House version HB 7165 was last heard on April 3. Funding for the Legg bill is in the Education Funding conforming bill HB 5101.*

[HB 875](#) - *Education Fiscal Accountability by Diaz died on the calendar. The Senate version SB 1100 by Flores was never heard in committee.*

[SB 1114](#) – *Florida Retirement System by Community Affairs – This bad bill is another attempt to reduce the retirement benefits for public employees. The bill increases “vesting” requirements in the pension plan to 10 years of creditable service; it requires compulsory membership in the Florida Retirement System Investment Plan for certain members of the Elected Officers’ Class initially enrolled after a certain date.*

Member Lobbyists

The last week of session is interesting to watch, but it becomes more about strategy than issues-- and who has the power to mow over others, ram bills through... or the guts to stand up for what’s right. The week is filled with a dizzying and psychotic array of emotions: anger, frustration, joy, sadness and impatience. This week members from Alachua, Dade, Pasco, Pinellas, St. Johns, UFF, and Volusia witnessed the FRS bill take its last gasp, the voucher bill get tied up in procedural knots, and the sad

moment as Democratic Leader Perry Thurston, after a valiant last attempt to defeat the voucher bill, withdrew all the amendments he had filed as we all realized the bill was about to pass.

Thank you for all you do to make every fight a good one!

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