



**Florida School Health Association  
2011 Legislative Session  
Final Report**

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I cannot believe it has been a year since I last spoke to the Florida School Health Association. A lot has changed in the last twelve months. We have a new Governor and Cabinet, all Republican. We have a new Florida House of Representatives and Speaker and a new Florida Senate and new Senate President. Most importantly, the last election gave both the House and Senate a supermajority.

What is a super majority? Out of 40 State Senators, 28 are Republican and 12 are Democrat. Out of 120 State House of Representatives, 81 are Republican and 39 are Democrat. This set the stage for a new day in Tallahassee as the Democrats did not have the numbers needed to mediate a Republican dominated agenda or the numbers to impact any legislative process or procedure.

This is a major contributor to the 2011 Legislative Session. I bring this to your attention as these numbers are critical to the tone, the personality and the ultimate ending of this year's Legislative Session.

I realize most of your information regarding Legislative Session comes from traditional media outlets. Unfortunately, it is hard to capture the tensions, building frustrations and the morale of the Capitol. You cannot capture that in a news article or a three minute news segment on television.

Everyone knew coming into this Legislative Session that the deck was stacked against lawmakers. They were close to \$4 billion in the hole, zero stimulus money and facing a struggling economy. Economic development and budget cuts were a constant theme and tough decisions had to be made.

Usually the hallways of Tallahassee are filled with banter and optimism of passing a new law or killing a bill that would have adverse impacts on a client. This year, I like to say the 2011 Legislative Session was more of an endurance sport and Tallahassee's version of Survivor Island and we were all waiting to see who and what was going to get voted off the island.

However, some things did remain constant. Over 3200 pieces of legislation were filed including general bills, local bills, joint resolutions and memorials. None of us were surprised to see, as in years passed, only a small percentage passed both chambers. Specifically, 295 passed both the House and the Senate.

However, some things did change, as I am sure many of you have read in the papers. This year “conforming bills” took center stage at the close of the 2011 Legislative Session.

What is a conforming bill? A conforming bill is a bill is a joint House and Senate work products that make statutory changes and travel with the budget. These bills are part of the budget conference process and much like the budget conference report can only be voted up or down on the floor and cannot be amended.

Conforming bills are different then implementing bills and should not be confused. An implementing bill authorizes expenditures of funds appropriated in the budget and like the budget is only good for one year.

Why am I bringing this to your attention? This is one of the biggest changes I have seen in my seventeen years in the Legislative process. This year alone over 2000 pages of conforming bills were agreed upon for the House and Senate to vote on in the last week of session. A total of 43 conforming bills. To put this in perspective in 2008, conforming bills consisted of 400 pages. Big difference. Many of the issues had not been heard in all the committees of reference and some were never even debated in a committee in the Senate. Tensions grew over this issue and many complained about the lack of transparency. In fact, the Florida Senate voted down two of the conforming bills which is unheard of and the ripple effect was a bumpy landing for the close of session.

Many of us were happy to see 3:35 AM come around and see the Senate Sine Die. The House announced Sine Die earlier in the evening. Even though the normal ceremonial dropping of the hanky did not mark the end of Session...we were glad to see it finally end.

Long and short of it...it was a long, stressful session and many of us are still trying to recover and sort out what passed and what ultimately died.

Some of the highlights relating to school health are as follows:

## Issues of Interest

### Budget

Final Budget Language in Conference Report to Senate Bill 2000

The agency is authorized to seek any necessary state plan amendment to implement additional Title XXI administrative claiming for school health services.

430 AID TO LOCAL GOVERNMENTS  
SCHOOL HEALTH SERVICES  
FROM GENERAL REVENUE FUND . . . . . 1,125,057  
FROM TOBACCO SETTLEMENT TRUST FUND . 9,902,925  
FROM FEDERAL GRANTS TRUST FUND . . . 9,291,548

From the funds in Specific Appropriation 430 and 439, \$5,000,000 from the Federal Grants Trust Fund is provided for school health services using Title XXI administrative funding. The Agency for Health Care Administration is authorized to seek a state plan amendment necessary to implement this provision.

439 SPECIAL CATEGORIES  
FULL SERVICE SCHOOLS – INTERAGENCY  
COOPERATION  
FROM GENERAL REVENUE FUND . . . . . 6,000,000  
FROM FEDERAL GRANTS TRUST FUND . . . 2,500,000

How does this differ from last year's budget allocations?

Below is the Line Item for School Health in the 2010–2011 Appropriations Act for your information.

### House Bill 5001 General Appropriations Act

#### Line Item 446

Aid to Local Governments  
School Health Services

From General Revenue Fund	3,625,057	
From Tobacco Settlement Trust Fund		9,902,925
From Federal Grants Trust Fund		6,791,548

#### Line Item 456

Special Categories

Full Service Schools–Interagency Cooperation  
From Tobacco Settlement Trust Fund

8,500,000

## Department of Health Reorganization

Last year the Florida Legislature passed a provision in House Bill 5311 requiring the Department of Health to do a comprehensive evaluation and justification review. Specifically, the bill required DOH to submit a comprehensive evaluation and justification review of each division within the Department. The report included a rationale for each division, the return on investment for each division, and federal funding associated with each division and any alternative course of action based on the findings of the report. DOH completed and submitted the report to the Governor and the Legislature on March 1, 2011.

The Florida Department of Health recommended in the Department of Health Evaluation and Justification Review Report to keep school health at the Department of Health under the Division of Community Health Services. Below is the rationale given by the Department of Health in the final report submitted on March 1, 2011.

### Full service funding

Each \$1.00 of state funding (\$8,500,000) resulted in \$1.36 of in-kind services provided by community partners (\$11,880,289).

### Comprehensive funding

Each \$1.00 of state funding results in \$2.48 per hour in saved classroom time.

[Source: 2008–2009 Annual School Health Services Report, 2008 –2009 Schedule C Allocations, and Florida Department of Education Finance Program 2008 –2009 Final Calculation]

The good news is a bill did not surface this year regarding the Department of Health Reorganization. However, this is an issue we will continue to monitor over the coming year as the Department does not need legislation to reorganize. The good news is school health was included in the recommendations and remain under DOH. This issue was something FSHA weighed in on with the Department as there was some discussion to move it to the Department of Education. There is a strong possibility a bill will be introduced next session, but we will continue to monitor as the Department very well could make some of the changes needed and satisfy the Legislature.

Also, as we monitor the efficiencies the Department puts in place over the next year, we must keep in mind that Governor Scott's transition team did recommend merging the Agency for Health Care and the Department of Health. This is an issue we will

need to watch closely over the interim period and watch for any interim projects and potential legislation in the coming years. I want to be careful and not put everyone on alert, I am just saying this is a potential issue that we will need to monitor.

Some other issues of interest ....

**Health Education**–Senate Bill 1370 by Senator Smith and House Bill 429 by Representative Mia Jones were never heard in any of their committees of reference. Both bills received three committee references and died in their first committee of reference. The bills provided a mandatory one half credit in health education independent of physical education for high school students. The bill also provided a waiver for students who take a successfully complete a health education assessment.

**Healthy Schools for Healthy Lives Act**– Senate Bill 1312 by Senator Gary Siplin and cosponsored by Senator Don Gaetz passed the Senate 37–0 and the House 115–1. This bill creates the Healthy Schools for Healthy Lives Act.

Simply, the bill consolidates school food and nutrition programs under one state agency, the Department of Agriculture and Consumer Services. Presently, the Department of Education and the Department of Agriculture and Consumer Services coordinate these programs. This was a priority bill for Commissioner Adam Putnam.

**Code of Student Conduct**–Senate Bill 228 and House Bill 61 require student conduct codes to include provisions on dress codes appropriate for school. The bill mandates each school board to adopt a policy forbidding students from wearing clothing that is revealing. This bill has been called the “baggy pants” bill in the past. The bill does provide a range of penalties for violations of the dress code.

This bill was sponsored by Senator Gary Siplin and Representative Rogers. The bill passed the Senate 38–0 and the House 101–15.

**Public School Instruction**–Senate Bill 1492 and House Bill 1077 require parental permission for student participation in reproductive health or sexually transmitted disease education. The bills also provide that the parent guide may contain a consent form. Neither the House Bill nor the Senate Bill passed and were never heard in their first committee of reference.

**Retirement**–Retirement is a difficult and very complex issue. I will just touch on some of the highlights but would suggest you speak to your human resources office for more in depth information.

Effective July 1<sup>st</sup> of this year employees will be required to make a 3% contribution. This applies to all FRS members. DROP participants are not required to pay the contribution.

For employees who enroll after July 1<sup>st</sup> of this year their retirement will be based on

the average of their highest 8 years. For current employees the retirement calculation is still based on your highest 5 years of compensation.

Retirement age was also increased from 62 to 65 years of age for non special risk class. Also increases years of credible service from 30 to 33 years.

The bill keeps DROP but does make a change that employees entering DROP after July 1<sup>st</sup> of this year will have a reduced accrual rate. For those currently in DROP the accrual rate is still 6.5%.

**Health Insurance**–This was another major issue and goes back to the conforming bill information I referred to earlier. This was another conforming bill referred to as Senate Bill 2126. Simply the bill required the state to hire an independent benefits manager next year to overhaul the system. This included a tiered system with regard to health insurance starting in 2013. This bill was never taken up by the Senate and ultimately died. I would expect to see it resurface in the next year in one form or another.

**Sales Tax Holiday**–This was another issue included in an economic development conforming bill, HB 7203. The bill became part of the chaos and was not taken up by the House in the final hours of Session. However, the House did take up HB 143 and amend it with a lengthy amendment and it did include the sales tax holiday for school supplies and clothes. Starting at 12:01 AM August 12, 2011 through 11:59 PM August 14, 2011 for clothes and shoes less than \$75 or less and school supplies \$15 or less.

**Education Personnel**–sponsored by Senator Wise is officially known as the Student Success Act. Unofficially the bill was referred to as the cousin of Senate Bill 6 from last year. This bill did pass the Senate 26–12 and the House 80–39 and has been approved by the Governor.

Some of the highlights of the bill for you are as follows:

- Provides 50% of an evaluation based on student performance over a 3 year period. The remainder of the balance is based on instructional practice or leadership. Compensation–Requires school districts to establish a new performance salary schedule by July 1, 2014 based on performance evaluations.
- Key Component is the law allows current teachers and administrators to remain on their current salary schedule with an option to chooses the new performance salary schedule.
- However, if you move school districts you will go to the new model.
- Eliminates professional service contracts for instructional personnel newly hired July 1, 2011.

**Smoking on School Campus**–Senate Bill 1430 by Senator Altman and House Bill 891 by Representative Hager passed the Senate 38–1 and 117–0. The bill authorizes school districts to further restrict smoking on school district property.

**For your information:**

Even though the 2011 Legislative Session has not officially ended we begin to look toward the 2012 Legislative Session. Why you ask? Because the 2012 Legislative Session will begin two months earlier than usual. Every ten years the Legislature must reapportion and draw new Legislative and Congressional districts based on the new Census numbers. In an effort to meet deadlines and the impending election year the Legislature will convene January 10 and adjourn March 9, 2012.