

4th Week of the Legislative Session – Report for March 25-29, 2019

General Information

This report contains pertinent information presented and discussed during the third week of the regular 2019 legislative session. Both the House and Senate held meetings in both chambers, which consisted of legislative bills and budget.

This week, the House and Senate full Appropriations Committees passed their respective budgets, implementing bills and conforming bills in preparation for floor action this week.

House

House Appropriations Committee - Chair Representative Travis Cummings

HB 5101 by Education Committee related to Education Funding

The bill:

- Modifies current school choice scholarship programs by:
 - Revising the calculation methodology for scholarship award amount for the Florida Tax Credit Scholarship and the Hope Scholarship Programs;
 - Allowing eligible nonprofit scholarship-funding organizations (SFOs) to use eligible contributions received pursuant to ss. 212.099, 212.1832, 1002.395, and 1002.40, F.S., during the fiscal year for administrative expenses and specifying that such expenses may not exceed 3 percent of the total amount of all scholarships awarded by the SFOs under chapter 1002, F.S.
 - Limiting the amount of contributions for the Hope Scholarship Program that an eligible nonprofit SFO may carry forward up to 5 percent of net eligible contributions with any contributions in excess of the 5 percent carry forward required to be transferred to another eligible nonprofit SFO or if another SFO does not participate in the Hope Scholarship Program, the eligible contributions may be used to fund Florida Tax Credit scholarships.
 - Prioritizing the recipients awarded a Florida Tax Credit scholarship beginning in Fiscal Year 2019-2020. ○ Renaming the Florida Sales Tax Credit Scholarship Program and requiring the use of the contributions to fund Florida Tax Credit scholarships.
- Modifies certain allocations funded in the Florida Education Finance Program (FEFP) by:
 - Deleting the requirement that school districts with one or more of the 300 lowest-performing elementary schools on the statewide reading assessment use their Supplemental Academic Instruction allocation on an additional hour each day of intensive reading instruction.
 - Making the above-mentioned requirement permissive rather than mandatory for the Researchbased Reading Instruction allocation.
 - Requiring the Office of Economic and Demographic Research to develop each school district's wage level index for purposes of calculating the district cost differential.
 - Including the Florida best and brightest teacher allocation and the Florida best and brightest principal allocation in the calculation of the Virtual Education Contribution.
- Modifies the Florida Best and Brightest Teacher Scholarship Program by:
 - Deleting the provision of the program that provides a \$6,000 award for classroom teachers who are rated "highly effective" and who scored at or above the 80th percentile nationally on either the SAT or the ACT at the time the assessment was taken; and

- Increasing the yearly bonuses to \$2,000 for each classroom teacher rated “highly effective” and up to \$1,100 for each classroom teacher rated “effective”.

The bill passed the full Appropriations Committee favorably and is now on the Calendar.

HB 7075 by Education Committee related to School Choice

The bill creates the Family Empowerment Scholarship Program; revises provisions relating to the Florida Tax Credit Scholarship Program, Hope Scholarship Program and certain contributions to such programs.

The bill passed the full Appropriations Committee favorably and is now on the Calendar.

HB 7093 by Education related to School Safety

The bill revises provisions of the Guardian Program, Office of Safe Schools, school safety, student records, school safety specialists, threat assessment teams, student mental health assistance, safe-school officers, FSSAT Tool, and funding provisions.

The bill passed the full Appropriations Committee favorably and is now on the Calendar.

PreK-12 Appropriations Subcommittee – Chair Representative Chris Latvala

HB 7061 by PreK-12 Quality Subcommittee related to Teacher Preparation

The bill extends the timeframe a candidate may satisfy the General Knowledge Test (GKT) from one to three years, aligning the timeframe with the number of years in which a teacher-candidate may be employed pursuant to a temporary certificate. The bill requires the State Board of Education (SBE) to establish separate fees for each subtest of the GKT.

The bill increases the school district-operated mentorship program from one to two years. For districts that conduct a professional development program that includes a two-year mentorship program, the bill allows a district to waive the GKT requirement for candidates who: successfully complete the two-year mentorship program; receive a recommendation from his or her mentor and principal; and fail to earn the required passing scores on the GKT after receiving support from the school district.

The bill requires districts to implement guidelines for mentor programs to include:

- Best practices created and identified by the DOE for the mentors of first-time and for new teacher-support programs focus on the professional assistance needed by first-time teachers through the first two years, rather than the first year, of teaching.
- Policies based upon the DOE’s guidelines and published best practices and materials.
- Comprehensive program of staff development established by each district school board to include support programs for first-time teachers.

The bill revises the criteria for continued teacher preparation program approval to include a survey of program completers’ satisfaction with preparation for the realities of the classroom and employers’ satisfaction with, and the programs’ responsiveness to, local school districts. Each Florida public and private institution must include surveys in their annual report regarding state-approved teacher preparation programs to the general public.

The bill revises the requirements for uniform core curricula for state-approved teacher preparation programs to include: Participant instruction and assessment in the Florida Educator Accomplished Practices across content areas, the use of state-adopted content standards to guide curriculum and instruction, strategies to differentiate instruction based on student need, and the use of character-based classroom management.

The bill requires that preservice field experience fully prepares a teacher-candidate to manage a classroom in a variety of challenging environments, including, but not limited to, high-poverty schools, urban schools, and rural schools and that teacher preparation programs include schools serving low achieving students in the selection of schools for preservice field experience.

The bill requires the DOE to develop a database that includes teacher induction and mentorship models and standards within the web-based statewide performance-support system.

The bill passed the PreK-12 Appropriations Subcommittee favorably.

HB 7055 by PreK-12 Innovation Subcommittee related to Education

The bill revises provisions related to career education and school board duties, high school graduation requirements, and diploma designations, school grade calculations, career center requirements, and CAPE Industry Certification Funding List.

The bill was amended in the PreK-12 Appropriation Subcommittee to:

- Clarify that students may earn two math credits if they complete Algebra I over two years without also having to earn an industry certification; and
- Update a cross reference to the federal Elementary and Secondary Education Act as amended in 2015.

The bill passed the PreK-12 Appropriations Subcommittee favorably.

HB 1027 by Rep. Aloupis related to the Office of Early Learning

The bill codifies early learning professional development standards and career pathways in law.

The bill requires the Office of Early Learning to develop early learning professional development training and course standards for school readiness program providers and identify both formal and informal early learning career pathways with stackable credentials and certifications, which allow early childhood teachers to access specialized professional development.

The bill requires the established credentials and certifications to align with the training for K-12 teachers, reading coaches, and school principals to the greatest extent possible.

The bill passed both committees this week, the PreK-12 Appropriations Subcommittee and the full Education Committee.

House Local, Federal & Veterans Affairs Subcommittee – Chair Representative Bobby Payne

HB 225 by Rep. Beltran related to Education

The bill allows a student to wear the uniform of a branch of the United States Armed Forces or the National Guard at the student's high school graduation ceremony if the student has completed basic training and is an active member of the service.

The bill passed the Local, Federal & Veterans Affairs Subcommittee favorably.

**House PreK-12 Quality Subcommittee – Chair Representative Bryon Donalds
HB 73 by Rep. Fetterhoff related to High School Graduation Requirements**

The bill is titled as the “Dorothy L. Hukill Financial Literacy Act”. The bill adds middle school course requirements to those that may be satisfied by passing an end-of-course (EOC) assessment, an Advanced Placement (AP) examination, College Level Examination Program (CLEP), or any other appropriate assessment identified in rule by the SBE.

The bill requires a school district to indicate that the student has successfully completed a middle school course or award course credit to the student if the student earns a passing score on one of the assessments.

For the social studies graduation requirement, the bill increases to three and one-half credits the number of credits required to earn a standard high school diploma. Beginning with students entering grade 9 in the 2019-2020 school year and after, the additional one-half credit must be earned in grades 11 or 12 in financial literacy. This requirement can be fulfilled by passing a course or an assessment aligned to the state’s financial literacy standards.

The bill exempts a high school student who transfers into a public school from another country, another state, a private school, or a home education program from the financial literacy requirement if his or her transcript indicates passage of a financial literacy course.

Beginning with students entering grade 9 in the 2019-2020 school year and after, in order to maintain the required total of 24 credits students need to earn a standard high school diploma, the bill reduces to seven and one-half the number of credits students must earn in electives.

The bill passed the PreK-12 Quality Subcommittee favorably.

HB 855 by Rep. Hill related to Instructional Materials

The bill requires a school principal to notify parents of students about the content of reproductive health instructional materials at least 10 days in advance of student exposure to such materials.

The bill requires that the list of current instructional materials each school board provides on its website to include, at a minimum, the title, author, and ISBN number if available, for all instructional materials.

In accordance with a school board’s duty to select and provide adequate instructional materials for all students under section 1006.28, Florida Statutes, the bill requires school districts to provide supplemental instructional materials and create a policy for the use of such materials in the classroom.

The bill requires the Florida Commissioner of Education (Commissioner) to conduct a review of the school district processes for evaluating materials that are not included on the state-adopted list. The Commissioner must provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2020.

The report must include:

- Statistics regarding how many materials have been removed by school districts as a result of the review process in s. 1006.283, F.S.;
- Identification of instructional materials with confirmed, factual errors and any corrective measures taken; and
- Recommendations on how the public can review materials not on the state-adopted list, including library materials, books included on summer readings lists, and books available for purchase at book fairs.

The bill passed the PreK-12 Quality Subcommittee favorably.

**House Health & Human Services – Chair Representative Ray Wesley Rodrigues
HB 213 by Rep. Massullo, Jr. related to Immunization**

The bill was amended and:

- Required a parent or college student to submit a form to the health care practitioner or entity providing the immunization or to DOH to opt-out of the immunization registry;
- Required DOH to remove all records and identifying information of the child or student who has opted out of the registry; and
- Clarified that a parent may request to opt out of the registry for a child from birth through age 17, and a college student, age 18 to 23, may request to opt out.

The bill passed the Health and Human Services Committee favorably.

**House Judiciary Committee – Chair Representative Paul Renner
HB 741 by Rep. Fine related to Anti-Semitism**

The bill amends the Florida Educational Equality Act to add religion as a protected class with regard to discrimination against students and employees in Florida's K-20 public education system.

The bill passed the Judiciary Committee favorably.

**House Education Committee – Chair Representative Jennifer Sullivan
HJR 229 by Rep. Sabatini related to Term Limits for School Board Members**

The House joint resolution proposes an amendment to the Florida Constitution that, if approved by the voters at the November 3, 2020, general election, would prohibit a school board member from appearing on a ballot for reelection if, by the end of his or her current term of office, the member will have served, or but for resignation would have served, in that office for eight consecutive years.

The proposal passed the House Education Committee favorably.

HB 807 by Rep. Aloupis related to Civics Education

The bill was amended to provide that all instructional materials for civics education classes must be reviewed and approved by the Commission of Education in consultation with several organizations, colleges, educators, school administrators, postsecondary education representatives, elected officials, business and industry leaders, parents, and the public.

After consulting with these stakeholders, the Commissioner must review the current state-approved civics education course instructional materials and the statewide EOC assessment and make recommendations for improvements by December 31, 2019. By December 31, 2020, DOE must complete a review of the statewide civic course standards.

The bill passed the full House Education Committee favorably as amended.

**House State Affairs Committee – Chair Representative Blaise Ingoglia
HB 5 by Rep. DiCeglie related to Discretionary Sales Surtaxes**

The bill was amended to require a school district or county that has adopted an ordinance or resolution to hold a discretionary sales surtax referendum, to notify OPPAGA and provide a copy at least 180 days before the referendum is held. The amendment also provides that failure to comply with the requirements voids the referendum.

The amendment further establishes a process of notifying OPPAGA, etc. if the proposal to adopt a discretionary sales surtax is by initiative.

The bill passed the State Affairs Committee favorably.

House Floor Action

HB 207 by Rep. Donalds related to Impact Fees

The bill prohibits any local government from requiring payment of impact fees any time prior to issuing a building permit. The bill codifies the requirement for impact fees to bear a rational nexus both to the need for additional capital facilities and to the expenditure of funds collected and the benefits accruing to the new construction. Local governments will be required to designate the funds collected by the impact fees for acquiring, constructing, or improving the capital facilities to benefit the new users. Impact fees collected by a local government may not be used to pay existing debt or pay for prior approved projects unless such expenditure has a rational nexus to the impact generated by the new construction. The bill further excludes fees charged for connecting to water and sewer systems.

The bill may delay when impact fees are collected, but not the amount, thus it does not restrict the amount of revenue local governments may raise nor require they expend additional amounts. Reflecting the possibility that payments may be delayed into later fiscal years than under current law, the Revenue Estimating Conference estimates the bill will have a negative indeterminate impact on local government revenues.

The bill passed the full House Chamber

HB 7013/SB 212 related to Interstate Compact on Educational Opportunity for Military Children

The bill reenacts provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children (Compact) and provides for future legislative review and repeal of the Compact on July 1, 2022

The House passed the Senate bill. It will now go to the Governor.

Senate

**Senate Infrastructure and Security Committee – Chair Senator Tom Lee
SB 7030 by Education related to School Safety and Security**

The bill builds upon the school safety and security foundation established in SB 7026 (2018) by addressing the school safety and security recommendations of the Marjory Stoneman Douglas High School Public Safety Commission, and strengthening accountability and compliance oversight authority.

Specifically, the bill:

- Improves school security measures by:
 - Establishing a workgroup to review campus hardening policies and recommend a prioritized list of strategies for implementation and related policy and funding enhancements;
 - Prioritizing the use of the school security risk assessment tool and including first responders in the assessment; and
 - Expanding school district options and eligibility for participation in the Coach Aaron Feis Guardian Program
- Enhances student safety by:
 - Requiring improved school safety incident reporting;
 - Promoting the FortifyFL mobile suspicious activity reporting tool;
 - Expediting services for students with mental or behavioral disorders;
 - Requiring active assailant response policies;
 - Establishing a standardizing behavioral threat assessment instrument; and
 - Establishing a workgroup to make recommendations regarding the development of a statewide threat assessment database.
- Provides school districts with greater flexibility to improve school safety by authorizing the transfer of additional categorical funds within the Florida Education Finance Program (FEFP) towards school safety expenditures.

The bill was also amended to add to s. 843.08, F.S., relating to false personation. A person who falsely represents themselves as a school guardian or a security officer licensed under chapter 493 commits a third degree felony.

The bill passed the Infrastructure and Security Committee favorably.

**Senate Education Committee – Chair Senator Manny Diaz
SB 1470 by Sen. Diaz related to Charter Schools**

The bill renames the Charter School Appeal Commission the Charter School Commission (CSC) and authorizes the CSC to review applications from specified entities and maintain duties related to charter application appeals.

The bill also:

- Adds the CSC to requirements relating to sponsor review of charter applications
- Requires the CSC to submit recommendations for approval or denial of specified charter applications to the State Board of Education (state board) for approval.
- Establishes a sponsor and applicant appeals process for CSC recommendations to approve or deny an application, and requires state board action on an appeal

The bill also establishes penalties for specified charter school personnel or entities if:

- A sponsor chooses not to renew or to terminate a charter, or a charter school closes mid-year or within one year of beginning operations, except for closures due to consolidation.
- Such personnel or entities are convicted of a crime, including, but not limited to, fraud or financial offenses related to the operation of a charter school.

The bill passed the Senate Education Committee favorably.

SB 296 by Sen. Montford related to Charter School Capital Outlay Funding

The bill increases the number of years for which a district school board may levy, by local referendum or in a general election, additional millage for school operational purposes from a maximum of 4 years to a maximum of 10 years.

The Title was amended to accurately reflect the body of the bill. The bill passed the Senate Education Committee favorably.

SB 354 by Sen. Montford related to Immunization Registry

The bill was amended and provides an opt-out provision for parents or guardians to refuse to include their child on the immunization registry. It also specifies that a college or university student, from 19 years of age to 23 years of age, who obtains a vaccination from a Florida College or university student health center may also opt out from the immunization registry. The opt-out must be provided to the Florida Department of Health and to the healthcare practitioner upon the administration of the vaccination. All records and references regarding a child or college or university student who has opted out must be removed from the immunization registry.

The bill passed the Senate Education Committee favorably.

SB 1120 by Sen. Taddeo related to Corporal Punishment in Public Schools

The bill removes corporal punishment on a student and the related procedures from the disciplinary options provided to a teacher, school principal, and the school board and conforms cross references as a result of this change. The bill has no impact on state revenues or expenditures.

The bill passed the Senate Education Committee favorably.

SB 1132 by Sen. Simmons related to Funds for Operation of Schools

The bill provides for school districts to receive additional funding through the FEFP for each student who receives an Advanced Placement Capstone Diploma in addition to a standard high school diploma.

The bill passed the Senate Education Committee favorably.

SB 1224 by Sen. Farmer related to Charter School Employees

The Committee adopted a “delete all” amendment to require DOE to approve one or more third-party credentialing entities for the purpose of developing and administering a credentialing

program for charter school principals, board members, chief financial officers, etc. Later in amendment, requires principal, board member, CFO to hold a valid certification issued by a third-party credentialing entity.

The bill also removes the authority for a charter school to open 18 months after the receipt of the application. It also authorizes an applicant to open a charter school before the district's next school year after approval of the application.

The bill adds to causes for nonrenewal – if a charter is terminated or a charter school closes before the end of a school year or within 3 years after beginning operations and, after specific findings of material fraud, etc. the charter school and relatives cannot submit application for 5 years after termination of the charter. If convicted of a crime, the owner, etc. can't submit application for 10 years after such conviction.

The bill amends statute re to virtual instruction and authorizes part-time virtual charter schools.

Finally the bill allows instructional and non-instructional personnel who pass the appropriate background check in any single school district, such fingerprints and background check are valid for 3 years and valid in all school districts.

The bill passed the Senate Education Committee favorably as amended.

SB 1284 by Sen. Diaz related to District Cost Differential

The bill revises the methodology for calculating the district cost differential (DCD) for each school district beginning in the 2020-2021 fiscal year. Specifically, the bill:

- Requires the DCD to be calculated by utilizing a wage level index developed by the Department of Education in consultation with specified informed stakeholders.
- Eliminates the requirement for the Commissioner of Education to annually compute the DCD for each school district by utilizing the Florida Price Level Index.

The bill also removes the requirement for the Department of Revenue to make information received in connection with the administration of taxes available to designated Department of Education employees who are directly responsible for determining each school district's price level index.

The bill passed the Senate Education Committee favorably.

SB 1456 by Sen. Perry related to the Office of Early Learning

The bill establishes professional development standards and career pathways for early childhood teachers and school readiness program providers.

The bill passed the Senate Education Committee favorably.

SB 1462 by Sen. Diaz related to Education

The bill revises the deadline from November 30 to April 30 for the annual reporting of postsecondary feedback information by the Commissioner of Education to specified entities.

Florida law requires the information to be provided to the State Board of Education, the Board of Governors of the State University System of Florida, the Legislature, and the district school boards.

The bill passed the Senate Education Committee favorably.

**Senate Appropriations Committee – Chair Senator Rob Bradley
SB 144 by Sen. Gruters related to impact fees**

The bill prohibits local governments from requiring the payment of impact fees prior to issuing a property's building permit. The bill also codifies the 'dual rational nexus test' for impact fees, as articulated in case law.

The bill passed the full Senate Appropriations Committee favorably.

Senate Action Floor

SJR 74 by Sen. Bradley related to Single-Subject Limitation for the CRC

The Senate Joint Resolution limits any amendment to the Constitution proposed by the Constitution Revision Commission ("CRC") to "one subject and matter connected therewith." Under current law, each CRC proposal may embrace multiple subjects. It may even propose a singular, comprehensive revision of the Constitution. The next CRC convenes in 2037, and thus it would be the first Commission to be governed by the proposed single-subject limitation.

If approved by three-fifths of the membership of each House of the Legislature, SJR 74 will appear on the 2020 General Election ballot. It will take effect if approved by at least 60 percent of the votes cast on the measure.

The bill passed the full Senate.

The 5th week of the 2019 regular legislative session reconvenes on Monday, April 1st.

I hope you find the information above helpful. If you have any questions or need additional information, please feel free to contact me at (407) 317-3200 ext. 2002966 or Eileen Fernandez, Associate General Counsel at (407) 317-3411 ext. 2002945.