

February 3, 2018

MEMORANDUM

TO: District School Superintendents

FROM: Joy Frank
Keenen Vernon, Legislative Intern
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RE: Legislative Update – Week of January 28th

General Information

The House and Senate passed out their respective budgets from the Appropriations Committees this week. Attached are budget summaries and House and Senate Conforming Bills summaries. Below are summaries of action taken on other education bills of interest.

If you have any questions, please give me a call at 850.577.5784.

House Committee Action

HB 1 by Donalds relating to The Hope Scholarship Program.

The bill establishes the Hope Scholarship Program, which provides the parent of a public school student who was subject to an incident of battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at a school with an opportunity to transfer the student to another public school or to receive a scholarship for the student to attend a private school. If the student enrolls in a public school outside the district, the student is eligible for a transportation scholarship limited to \$750.

On January 30, 2018, the PreK-12 Appropriations Subcommittee adopted four amendments and reported the bill favorably as a committee substitute. The amendments:

- Provided definitions for “dealer” and “designated agent” to be a tax collector or other certified agent; and clarified the definition of “eligible contribution”.
- Specified that once a student obtains a Hope scholarship, he or she is eligible to continue with that scholarship until graduation from high school or until the student returns to public school.

- Allowed for electronic funds transfer for scholarship payments from the scholarship-funding organization to an eligible private school, consistent with the Florida Tax Credit Scholarship Program.
- Clarified the processes for tax contributions, collections and tax credits; increased cap contributions from \$20 to \$105; and further clarified that a contribution can be made on each vehicle.
- Provided a \$2 million appropriation in recurring funds from General Revenue Fund to the Department of Education for purposes of implementing provisions in this bill.

The bill passed House PreK-12 Appropriations Subcommittee favorably as substituted. In addition, the body of HB 1 was incorporated into the House Budget Conforming Bill – HB 7055.

HB 79 by Roth relating to Public Meetings.

The bill specifies that all meetings or defacto meetings, as defined, at which official acts are to be taken or public business to be transacted or discussed are declared to be public meetings open to the public. The bill also provides that members of the same board or commission may participate in fact-finding exercises or excursion to research public business, and may participate in meetings with a legislator if specified conditions are met. If official acts are not taken and public business is not discussed, any gathering of two or more members of the same board or commission is not considered a public meeting for which a public notice to and access are required.

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

HB 515 by White relating to Offenses Against Student Safety

The bill prohibits certain conduct with students by authority figures. The bill prohibits an authority figure from soliciting or engaging in sexual conduct, a relationship of a romantic nature, or lewd conduct with a student, regardless of the student's age and whether or not the behavior was consensual. The bill allows a chief administrative officer of a school, or an employee designated to maintain order on the campus, to detain someone until law enforcement arrives if they have probable cause to believe the person is trespassing

On January 29, 2018, the Criminal Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment added school buses to the definition of school as used in trespass on school grounds.

The bill passed the House Criminal Justice Subcommittee favorably as a committee substitute.

HB 591 by Porter relating to Missing Persons with Special Needs.

The bill expands the “Project Leo” program statewide and permits a Center for Autism and Related Disabilities at any state university to participate in a program providing personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.

On January 30, 2018, the PreK-12 Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Corrects the statutory reference of s. 1000.21, F.S. to s. 1004.55, F.S., which defines the Centers for Autism and Related Disabilities, and;
- Amends the selection of participant criteria from the University of Florida to each CARD service area.

The bill passed the House PreK-12 Appropriations Subcommittee favorably as a committee substitute.

HB 731 by Sullivan relating to Home Education.

The bill:

- clarifies the definition of “parent,” the home education registration process and the home education notice requirements;
- authorizes school districts to provide a home education student access to career and technical courses and programs;
- authorizes districts to offer industry certifications, national assessments and statewide, standardized assessments to home education students;
- prohibits school superintendents from requiring evidence of a child’s age if the child meets regular attendance requirements by attending certain educational institutions or programs;
- authorizes school superintendents to refer student nonenrollment cases to a child study team in order to conduct intervention services;
- clarifies the court procedures and penalties for enforcement of compulsory school attendance; and exempts a home education student from the grade point average requirement for admission to dual enrollment programs if the student meets the minimum score on a college placement test.

The bill passed the House PreK-12 Appropriations Subcommittee favorably.

HB 887 by Harrell relating to Reading Instruction.

The bill relates to reading instruction and interventions for struggling readers, particularly in early grades. The bill:

- Beginning with the 2020-2021 school year, requires teachers who provide reading interventions under a school district’s K-12 comprehensive reading plan to be certified or endorsed in reading.
- Requires the Department of Education, as part of its review of certain certification and endorsement requirements, to consider awarding a reading endorsement to teachers who are certified by an internationally recognized reading intervention organization or who complete a program accredited by the organization.
- Requires school districts to provide teachers access to training for a reading endorsement consistent with the DOE’s review of endorsement requirements.

The bill passed the House PreK-12 Appropriations Subcommittee favorably.

HB 1279 by Sullivan relating to School District Accountability.

To increase fiscal accountability of districts, the bill:

- requires school districts with revenues over \$500 million to employ an internal auditor;
- requires school districts with low ending fund balances to reduce administrative costs and other expenditures;
- requires districts in a financial emergency to withhold the salaries of superintendents and school board members until the emergency is addressed;
- requires an investigation of school districts who are unable to timely pay current debts and liabilities;
- clarifies that the Department of Education’s Office of Inspector General must investigate allegations and reports of fraud and abuse from certain government officials; and
- requires school districts with previous operational audit findings to initiate and complete corrective action within a certain period of time.

The bill also:

- prohibits appointed, along with elected superintendents, from lobbying school districts for a period of two years after vacating the position;
- aligns school board member salaries with beginning teacher salary or the amount calculated by statute, whichever is less;
- requires prior school board approval for reimbursement of out - of - district travel expenses;
- requires school boards to withhold a portion of an employee’s salary who owes a public financial disclosure fine;

- repeals s. 1011.64, F.S., relating to school district minimum classroom expenditure requirements; and
- prohibits superintendents, along with school board members, from employing or appointing a relative to work under their direct supervision.

The bill was amended in the PreK-12 Appropriations Subcommittee to appropriate \$850,000 in non-recurring funds to DOE for the purpose of implementing provisions in this bill

The bill passed the House PreK-12 Appropriations Subcommittee favorably. In addition, the bod of this bill was incorporated into HB 7055.

House Floor Action

HB 83 by Spano relating to Agency Rulemaking.

The bill requires an agency to prepare a statement of estimated regulatory costs (SERC) before the adoption, amendment, or repeal of any rule on the public other than an emergency rule. The bill further requires the Department of State to include on the Florida Administrative Register website the agency website addresses where each agency's SERCs can be viewed in their entirety.

The bill passed the House. The companion bill in the Senate, SB 912 by Broxson, is scheduled to be heard by the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 8th.

Senate Committee Action

SB 194 by Steube relating to Limitation of Terms of Office for Members of District School Board.

The bill proposes that district school board members be subject to a 12-year consecutive service term limitation. This is four years longer than the term limits that presently apply to statewide officer s and legislators. The provision would operate prospectively beginning with the 2018 general election. Thus, the earliest any currently serving school board member could be "termed - out" would be at the 2030 general election.

The joint resolution, if passed by a 3/5ths vote of each House of the Legislature, will be voted on at the general election in November 2018.

The bill passed the Senate Ethics and Elections Committee favorably.

SB 324 by Young relating to Impact Fees.

The bill requires that the collection of an impact fee be no earlier than the issuance of the building permit for the property that is subject to the fee and provides that the statutory provisions related to impact fees do not apply to water and sewer connection fees. The bill also requires impact fees to have a rational nexus with the need for additional capital facilities and the expenditures of the funds collected. The bill prohibits the use of impact fee revenues to pay existing debt unless certain conditions are met. The bill further prohibits local governments from requiring developers to pay for land acquisition or construction of public facilities as a condition for approving a development order unless the local government has an ordinance imposing similar requirements on all developers.

On January 29, 2018, the Appropriations Subcommittee on Finance and Tax adopted two amendments and reported the bill favorably as a committee substitute. The amendments:

- Provided that impact fee requirements do not apply to water or sewer connection fees;
- Prohibited local government from requiring developers to contribute or pay for land acquisition or construction of public facilities as a condition for approving a detailed specific area plan or related development order unless the local government has an ordinance that imposes similar payments on developers of developments not within the sector planning area requiring that they contribute a proportionate share of the funds, land, or facilities necessary to accommodate any impacts having a rational nexus to the proposed development.

The bill passed the Senate Appropriations Subcommittee on Finance and Tax favorably as substituted.

SB 824 by Garcia relating to School District Price Level Index.

The bill requires the Department of Education to issue a competitive solicitation to contract with an independent, third-party consulting firm, by July 1, 2018, and every 10 years thereafter, to conduct a review of the existing price level index methodology. The bill also requires the DOE, by January 1, 2019, and every 10 years thereafter, to submit a report providing recommendations to the chair of the Senate Committee on Appropriations, the chair of the House of Representatives Appropriations Committee, and the Executive Office of the Governor's Office of Policy and Budget.

The bill passed the Senate Education Committee favorably.

SB 856 by Montford relating to High School Graduation Requirements.

The bill authorizes students to use apprenticeship or preapprenticeship program credit to meet specified credit requirements for high school graduation. Specifically, the bill:

- Authorizes a student who earns credit upon completion of an apprenticeship or preapprenticeship program registered with the Department of Education to use such credit to meet the credit requirements for:
 - Fine or performing arts, speech and debate, or practical arts; or
 - Electives.
- Requires the State Board of Education to approve and identify in the Course Code Directory the apprenticeship and preapprenticeship programs from which a student may use earned credit to meet the specified credit requirements for high school graduation.

The bill passed the Senate Education Committee favorably.

SB 996 by Mayfield relating to Cardiopulmonary Resuscitation in Public Schools.

The bill requires each school district to provide to students instruction in cardiopulmonary resuscitation (CPR) and use of an automated external defibrillator (AED). Specifically, the bill:

- Requires the instruction to be part of the physical education curriculum or another required curriculum selected by the school district, and the instruction to be based on an instructional program established by:
 - The American Heart Association,
 - The American Red Cross, or
 - Another nationally recognized program that uses the most current evidence-based emergency cardiovascular care guidelines.
- Requires students to study and practice psychomotor skills associated with the performing CPR at least once before graduation from high school.
- Exempts students with disabilities from the specific instruction requirements.

The bill passed the Senate Education Committee favorably.

SB 1064 by Baxley relating to Dual Enrollment Programs.

The bill modifies provisions in the dual enrollment articulation agreement between an eligible postsecondary education institution and an eligible private secondary school to specify that tuition and fees for dual enrollment may not be passed along to the private school that the student attends.

The bill passed the Senate Education Committee favorably.

SB 1254 by Passidomo relating to Early Learning.

The bill modifies provisions relating to the school readiness program. Specifically, the bill: Requires the Office of Early Learning to:

- Adopt a program assessment that measures the quality of teacher - child interactions including classroom organization and specified supports.
- Provide a differential payment of up to 10 percent for each care level and unit of child care for a child care provider that meets specified requirements.
- Revise the statewide provider contract to include contracted slots, quality improvement strategies , and program assessment requirements.
- Modify the annual report to include specified data regarding school readiness program provider compliance with requirements relating to the program assessment.

Revises Early Learning Coalitions (ELC) plans to add information regarding :

- An assessment of local priorities based on the needs of families and provider capacity using available community data.
- Local eligibility priorities for children , the use of contracted slots in the ELC’s procedures for program implementation , a payment rate schedule, and a description of quality improvement strategies in the ELC’s quality activities and services .

Modifies school readiness program eligibility, provider standards, and funding to:

- Revise the child eligibility priorities for participation in the school readiness program based on the ELC’s local priorities ; and also revise the definition of “at - risk” children for eligibility purposes.
- Revise provider eligibility requirements to specify that the providers must participate in a program assessment that measures the quality of teacher - child interactions .
- Authorize the award of grants and financial supports to providers and instructors to also meet program assessment requirements.

The bill appropriates \$6 million for the 2018 - 2019 fiscal year from the Child Care and Development Block Grant Trust Fund to the Office of Early Learning to implement the program assessment for school readiness program providers.

The bill passed the Senate Education Committee favorably.

SB 1306 by Perry relating to Reading Instruction.

The bill modifies provision related to reading intervention. Specifically, the bill:

- Beginning with the 2020-2021 school year, requires teachers who provide reading interventions under a school district’s K-12 comprehensive reading plan to be certified or endorsed in reading.
- Requires the Department of Education, as part of its review of certain certification and endorsement requirements, to consider awarding a reading endorsement to

teachers who are certified by an internationally recognized reading intervention organization or who complete a program accredited by the organization.

- Requires each school district to provide to all elementary grades instructional personnel access to training to earn a reading endorsement.

The bill is a companion bill to HB 887 by Harrell previously mentioned. The bill passed the Senate Education Committee favorably.

SB 1388 by Garcia relating to Preapprenticeship and Apprenticeship Programs.

The bill creates a 20-member Task Force on Apprenticeship Expansion within the Department of Economic Opportunity; and specifies responsibilities, meeting requirements, and expiration of the task force. The bill requires the task force to seek information from industry representatives and experts in the state’s targeted industries and to make administrative recommendations regarding unmet need in the areas of diversity and access, articulation, delivery of information, and funding sources.

On January 29, 2018, the Education Committee adopted an amendment and reported the bill favorably as a committee substitute. The committee substitute removes from the bill, the “Earn and Learn Grant Program” and related requirements and appropriations, but retains the Task Force on Apprenticeship Expansion. The CS further increased membership of the task force from 15 to 20 members; revised specific duties and responsibilities of the task force; and added the Department of Education to the Department of Economic Opportunity as agencies responsible for providing assistance to the task force.

The bill passed the Senate Education Committee favorably.

SB 1532 by Stargel relating to Early Learning Coalitions.

The bill authorizes early learning coalitions to refuse to contract with a school readiness program provider if the provider has been cited for a class I violation.

The bill passed the Senate Education Committee favorably.

SB 1742 by Stargel relating to Supermajority Vote for State Taxes or Fees.

The joint resolution proposes an amendment to the State Constitution to require a law that imposes a new tax, increases the rate or amount of a tax, or expands a tax base, and that results in a net increase in state revenues, to be approved by three-fifths of the membership of each house of the Legislature.

The amendment proposed in the joint resolution will take effect on January 8, 2019, if approved by sixty percent of the voters during the 2018 general election or earlier special election specifically authorized by law for that purpose.

The bill passed the Senate Appropriations Subcommittee on Finance and Tax favorably.

SB 1790 by Powell relating to Baker Act

The bill directs the Department of Children and Families (DCF) to create a work group to evaluate methods to improve the operational effectiveness of the Florida Mental Health Act (The Baker Act). The bill identifies the members of the workgroup and provides that a report be provided to the Secretary of DCF, the Secretary of the Agency for Health Care Administration, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2018.

The bill passed the Senate Children, Families, and Elder Affairs committee favorably.

SB 7014 relating to State-administered Retirement Systems.

The bill establishes the contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2018. These rates are intended to fund the full normal cost and the amortization of the unfunded actuarial liability of the FRS. With these modifications to employer contribution rates, the FRS Trust Fund will receive roughly \$178.5 million more in revenue on an annual basis beginning July 1, 2018. The public employers that will incur these additional costs are state agencies, state universities and colleges, school districts, counties, and certain municipalities and other governmental entities.

The bill passed the Senate Appropriation committee favorably

Senate Floor Action

SB 118 by Hukill relating to Visitation of Schools by State Legislators.

The bill authorizes an individual member of the State Legislature to visit any district school in his or her legislative district, on any day and at any time at his or her pleasure, which is consistent with the authority extended in law to an individual member of a district school board and individual charter school governing board member to visit applicable schools. The bill also clarifies that the district school superintendent's designee or the school principal's designee, in addition to the specified district employees in current law, may not limit the duration or scope of the visit or direct the visiting individual to leave the school premises.

The bill passed the Senate. The companion bill in the House, HB 975 by Grant, is waiting to be heard by the House PreK-12 Quality Subcommittee.

SB 186 by Hutson relating to Resign-to-run Law.

The bill requires an officer who qualifies for federal public office to resign from the office he or she presently holds if the terms, or any part thereof, run concurrently.

The bill passed the Senate. The companion bill, HB 105 by Santiago, is on 2nd reading in the House.

SB 192 by Baxley relating to Public Meetings.

The bill specifies conditions under which members of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision may participate in fact-finding exercises or excursions

The bill passed the Senate. The companion bill, HB 79 by Roth, is currently in the Government Accountability Committee.

SB 540 by Hukill relating to Postsecondary Education.

The bill relates to the Florida College System. The bill creates the ‘College Competitiveness Act of 2018’ which restructures the governance of the Florida College System and modifies the mission of the system and its institutions.

The bill was retained on special order calendar in the Senate.