

April 12, 2019

**MEMORANDUM**

TO: District School Superintendents

FROM: Joy Frank  
Justin Ravelo, Legislative Intern  
Fe Warren, Legislative Intern

RE: Legislative Update – Week of April 8, 2019

**General Information**

The Marjory Stoneman Douglas High School Public Safety Commission met on April 9 and 10 this week. Damien Kelly gave an update on SB 7026 on the first day. The link to the PowerPoint is: [SB 7026 Update](#). Commission members were critical of districts. The districts were not identified due to safety concerns and it was pointed out that best practices are not legal requirements.

In the afternoon, a panel of School Safety Specialists from various districts addressed the Commission. Their testimony was excellent and they addressed some of the concerns raised that morning by Commission members. The panelists were:

- David Crawford, Security Director, Baker County School District
- Captain Rick Francis, Seminole County Sheriff's Office
- Daniel Hahn, Director of Safety, Santa Rosa County School District
- Chief John Newman, Hillsborough County Public Schools

On Wednesday, presentations were made on SESIR reporting and data. I was able to listen to a recording yesterday and they were quite critical of both DOE and school districts. Links to PowerPoints: [School Safety & Discipline Data Reporting](#) and [Review of SESIR Data 2017/2018 School Year](#)

**Side-by-Side Comparisons**

The side-by-side comparisons have been updated to reflect the latest committee action. The language in **bold** type reflects the changes made this week in committee.

SB 7030 re to School Safety passed the full Senate Appropriations Committee this week.  
HB 7093 re to School Safety has been retained on the House Calendar.

SB 7070 re to School Choice remains in Senate Appropriations.  
HB 7075 re to School Choice has been retained on the House Calendar.  
HB 7095 re to School Choice passed the House Education Committee this week.

## **House Committee Action**

**HB 7123 by Ways & Means re to Taxation.** This is the House tax package and the pertinent provisions are below.

**School Discretionary Operating Levies – Charter Schools.** The bill would amend s. 1011.71(9), F.S. to clarify that the term “school operational purposes” includes charter schools sponsored by a school district, for the purpose of distributing taxes collected under the additional, voted operational millage. The funds levied by this voted millage would be shared proportionately with charter schools as provided under s. 1002.33(17), F.S.

Additionally, the bill would amend ss. 1002.33(17) and (20), F.S. to clarify that a “school district’s current operating discretionary levy” includes the voted levies authorized pursuant to section 1011.71, F.S., as part of the charter school funding calculations. It would also provide that if a voted operating levy is not shared proportionately with the charter schools in the school district, then the amount that is being withheld by the sponsor would be reduced by the amount that otherwise would have been shared pursuant to s. 1011.71(9).

These new provisions would apply to collections after July 1, 2019

## **Sales Tax Holidays**

### *Back to School Holiday*

A three-day sales tax holiday would be authorized from August 2, 2019, through August 4, 2019. During the holiday, the following items that cost \$60 or less are exempt from the state sales tax and county discretionary sales surtaxes:

- Clothing (defined as an “article of wearing apparel intended to be worn on or about the human body,” but excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs);
- Footwear (excluding skis, swim fins, roller blades, and skates);
- Wallets; and
- Bags (including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags).

The bill also exempts various “school supplies” that cost \$15 or less per item during the holiday.

Additionally exempted would be the first \$1,000 of the sales price of personal computers and related accessories purchased for noncommercial home or personal use. This would include tablets, laptops, monitors, input devices, and non-recreational software. Cell phones, furniture and devices or software intended primarily for recreational use are not exempted. Also not exempt would be monitors that include a television tuner.

### *Disaster Preparedness Sales Tax Holiday*

The bill provides for a seven-day sales tax holiday from May 31, 2019, through June 6, 2019 for specified items related to disaster preparedness. During the holiday, the following items are exempt from the state sales tax and county discretionary sales surtaxes:

- A portable self-powered light source selling for \$20 or less;

- A portable self-powered radio, two-way radio, or weather band radio selling for \$50 or less;
- A tarpaulin or other flexible waterproof sheeting selling for \$50 or less;
- A ground anchor system or tie-down kit selling for \$50 or less;
- A gas or diesel fuel tank selling for \$25 or less;
- A package of AA-cell, AAA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries, selling for \$30 or less;
- A nonelectric food storage cooler selling for \$30 or less;
- A portable generator that is used to provide light or communications or preserve food in the event of a power outage selling for \$750 or less; and
- Reusable ice selling for \$10 or less.

### **Florida Tax Credit Scholarship Program- Insurance Premium Tax Credit Flexibility**

The bill revises the timing provisions for certain contributions so that an insurer can apply for an allocation and/or make a contribution for a given taxable year up until the date the insurer is required to file a return for that year, which is no later than the following March 1. When a taxpayer makes a contribution and earns a credit, the taxpayer will also be able to apply the credit against any installment payment for the taxable year against which the credit is being taken, rather than only the installment payment following the contribution. This retroactive application against installment payments may reduce or eliminate penalties that would otherwise apply.

**HB 189 by Zika re to Postsecondary Education for Secondary Students.** The bill has been summarized in a previous report and was amended in the House Education Committee. The amendments:

- Authorize private schools, in addition to charter schools, to establish an early college program with a state college, state university, or other eligible postsecondary institution.
- Require instructional materials be made available to private school dual enrollment students, in addition to public school and home education dual enrollment students, free of charge.
- Require the dual enrollment articulation agreement between a public postsecondary institution and a private school to include a provision expressing that costs associated with instructional materials will not be passed along to the student's private school of enrollment.
- Require each postsecondary institution to report to the Commissioner of Education the total and average number of career dual enrollment clock hours and certificates earned for each dual enrollment articulation agreement it entered into during the previous year.
- Authorize district school boards and FCS institutions to request a 1-year waiver from the prohibition on limiting student participation in dual enrollment programs, subject to approval by the Commissioner of Education.
- Require the waiver request to describe the existing capacity issues, and specific courses or programs impacted by such issues; and include suggested solutions and a timeline for achieving capacity to accommodate student demand.
- Require the statement developed by DOE regarding dual enrollment transfer guarantees to include the English and mathematics courses that require a grade of C or higher to measure student achievement in college-level communication and computation skills, pursuant to state board rule.

The bill passed the House Education Committee favorably as a committee substitute.

**HB 259 by Williams re to Comprehensive Health Education.** The bill revises the required comprehensive health education curriculum for K-12 public schools to include instruction on the dangers and signs of human trafficking and techniques to recognize and respond to child abuse.

The bill passed the full Education Committee and is now on the House Calendar.

**HB 401 by DiCeglie re to Master-based Education.** This bill has been summarized in a previous report. Basically, the bill allows any school district to submit an application to DOE to participate in the Mastery-Based Education Pilot Program formerly known as the Competency-Based Education Pilot Program.

The bill passed the full Education committee and is now on the House Calendar.

**HB 839 by Rodrigues (R) re to Higher Education.** This bill has been summarized in a previous report. The bill amends duties to the Board of Governors and revises requirements for preeminent institutions. The bill requires district school boards to notify students about credit-by-examination and dual enrollment equivalency lists.

The bill passed the House Education Committee and is now on the House Calendar.

**HB 1127 by Duggan re to Educational Employees.** A committee substitute was heard in the House Education Committee and the major changes dealt with fingerprinting. While DOE has the authority to conduct background screening and does so on a limited basis, the majority of background screening is conducted by school districts who must screen individuals upon employment. Teachers who teach in multiple counties, such as student teachers and virtual school teachers, have to submit to separate background screening for each county in which they work.

The bill requires education personnel who have direct contract with children, excluding certified teachers, to undergo background screening for criminal history related to felony convictions under s. 1012.315, F.S. The bill deletes the appeal rights of probationary education personnel terminated due to the results of the backgrounds screening.

For certified teachers under s. 1012.56, F.S., the bill requires the DOE to screen teachers under s. 435.04, F.S. The bill authorizes DOE to grant an exemption from disqualification according s. 435.07, F.S., with the exception of those persons registered as sex offenders under federal law and felony offenses currently prohibited by law.

The bill authorizes DOE to participate in the AHCA Care Provider Background Screening Clearinghouse for purposes of retention of fingerprints for arrest notification and rescreening every five years. The effect of which is to avoid duplication at initial screening for those teachers employed in multiple counties. The bill specifies a rescreening implementation schedule and clarifies that the DOE is solely responsible for all rescreening going forward, even for those teachers whose screening was initiated by a school district.

The bill passed the House Education Committee favorably as a committee substitute.

## Senate Committee Action

**SB 7030 by Education re to School Safety and Security.** Senator Passidomo had an amendment relating to the Mental Health Assistance Allocation. The amendment would require school districts to provide mental health programs that increase awareness of mental health issues among children and school-age youth; train educators and other school staff in detecting and responding to mental health issues; and connect children, youth and families who may experience behavioral health issues with appropriate services.

Charter schools may submit a separate plan, and if not, the plan submitted by the school district must include charter schools.

The plan provisions are changed and must be focused on a multi-tiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care. At a minimum, the plans must include the following elements:

- Direct employment of school-based mental health services providers to expand and enhance school-based student services and to reduce the ratio of students to staff in order to better align with nationally recommended ratio models. These providers include, but are not limited to, school counselors, school health staff, school psychologists, school social workers, and other licensed mental health professionals. The plan also must identify strategies to increase the amount of time that school-based student services personnel spend providing direct services to students, which may include the review and revision of district staffing resource allocations based on school or student mental health assistance needs.
- Contracts or interagency agreements with one or more nationally accredited local community behavioral health providers or providers of Community Action Team services to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth.
- Policies and procedures, including contracts with service providers, which will ensure that students who are referred to a school-based or community-based mental health service provider for mental health screening for the identification of mental health concerns and ensure that the 86 assessment of students at risk for mental health disorders occurs within 15 days of referral. School-based mental health services must be initiated within 15 days after identification and assessment, and support by community-based mental health 90 service providers for students who are referred for community based mental health services must be initiated within 30 days after the school or district makes a referral.
- Programs to assist students in dealing with anxiety, depression, bullying, trauma, and violence.
- Strategies or programs to reduce the likelihood of at risk students developing social, emotional, or behavioral health problems, suicidal tendencies, or substance use disorders.
- Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders and to improve the provision of early intervention services.
- Information and data on the following:

- The number and types of school-based student services personnel employed from the funds provided through the allocation;
- The number of students who received school-based mental health interventions during the prior school year; and
- The number of students referred to community-based mental health care providers for services during the prior school year.

The language requiring an annual report to DOE on program outcomes and expenditures is repealed.

The amendment was adopted and the bill passed the Senate Appropriations Committee favorably.

**SB 274 by Baxley re to School Board Member Term Limits.** This bill was previously summarized and requires school board members to be subject to 8-year consecutive term limits.

The bill passed the House Education Committee favorably and is now in the Rules Committee.

**SB 382 by Montford re to Teacher Scholarship Program.** The bill creates the Teacher Scholarship Program to encourage students interested in education careers. An eligible undergraduate student may be awarded a scholarship of up to \$5,000 per semester, not to exceed \$10,000 per year, for 2 undergraduate years or for a maximum of 3 years for a program that requires a fifth year of instruction to obtain an initial teaching certification. An eligible graduate student may be awarded a scholarship of up to \$5,000 per semester, not to exceed \$10,000 per year, for up to 2 years.

The bill passed the Senate Education Committee and is now in the Appropriation Subcommittee on Education.

**SB 1726 by Gruters re to Parental Rights.** The bill establishes the “Parents’ Bill of Rights” and declares that it is a fundamental right of parents to direct the upbringing, education, and care of their children.

To safeguard parental rights, the bill:

- Reserves certain rights to a parent of a minor child and prohibits any person or entity from infringing upon those rights without demonstrating that the infringement is reasonable and necessary to achieve a compelling state interest, is narrowly tailored to achieve the interest, and is not otherwise served by a less restrictive means.
- Requires each school district to adopt a policy to promote parental notification and involvement in the public school system and provides requirements for the policy.
- Establishes parental consent requirements for health care purposes and provides for disciplinary action against health care practitioners who violate parental consent requirements.

The bill authorizes a district school board to provide the required information electronically or on its website. The bill authorizes a parent to make a written request for the required information from the district school superintendent and requires the district school superintendent to provide the information within 10 days. A parent may appeal to the district school board if the district school superintendent denies a parent’s request for information or fails to respond to the parent’s request within 10 days. The bill requires a district school board to place a parent’s appeal on the agenda for its next public meeting in which the deadline for filing the agenda has not passed.

The bill passed the Senate Education Committee favorably as a committee substitute.

**SB 7106 by Education re to Risk Protection Orders.** The bill expands the definition of a petitioner for purposes of seeking a risk protection order from a court. In addition to law enforcement officers and agencies, the bill specifies that a petitioner may include certain family members of the respondent or a person who is the respondent's legal guardian. The bill provides these persons the ability to file a petition seeking a risk protection order without the assistance of law enforcement.

The bill passed the Senate Education Committee favorably.

**SB 934 by Diaz re to High-performing Charter Schools.** This bill was summarized in a previous report. The bill modifies high-performing charter school eligibility criteria and related provisions regarding student enrollment and replicating charter schools.

The bill passed the Senate Education Appropriations Subcommittee favorably.

**SB 1132 by Simmons re to Funds for Operation of Schools.** The bill was summarized in an earlier report and provides that school districts will receive additional funding through the Florida Education Finance Program (FEFP) for each student who receives an Advanced Placement Capstone Diploma in addition to a standard high school diploma.

The bill passed the Senate Appropriations Subcommittee on Education favorably and is now in the Senate Appropriations Committee.

**SB 1342 by Stargel re to Postsecondary Education for Secondary Students.** The bill was summarized in an earlier report; it expands secondary student access to advanced coursework through dual enrollment and early college programs.

The bill passed the Senate Education Appropriations Subcommittee on Education favorably and is now in the Senate Appropriations Committee.

**SB 1444 by Diaz re to Education.** This bill was summarized in an earlier report and requires the DOE to create a disqualification list of educators and private school owners and/or operators.

The bill passed the Senate Education Appropriations Subcommittee favorably.

**SB 1456 by Perry re to Office of Early Learning.** This bill was summarized in an earlier report and establishes professional development standards and career pathways for early childhood teachers and school readiness program providers.

The bill passed the Senate Education Appropriations Subcommittee favorably.

**SB 982 by Thurston, Jr. re to Human Trafficking Education in Schools.** The bill requires that information regarding the dangers and signs of human trafficking be included in the comprehensive health education instruction that is required to be administered in the public school system. The bill permits a student to opt out of such human trafficking educational instruction by providing the school with a written note from his or her parent.

The bill passed the Senate Criminal Justice Committee favorably.

**SB 1610 by Montford re to emergency Mitigation and Response.** The bill:

- Creates a Hurricane Michael Recovery Task Force to review local, state and federal activities related to disaster response, recovery and mitigation and to make recommendations to the legislature regarding additional assistance needs;
- Requires the Division of Emergency Management (DEM) to conduct an after-action report on shelter operations during Hurricane Michael;
- Requires the DEM to contract to conduct a statewide study for communities' needs for Emergency Operations Centers;
- Creates the Hurricane Housing Recovery Program within the Florida Housing Finance Corporation (FHFC) to respond to housing needs after hurricanes;
- Directs the Department of Economic Opportunity (DEO) to include a shelter retrofit or repair program as a portion of any mitigation funds received from the federal Department of Housing and Urban Development (HUD);
- Directs the DEO to include single family housing recovery programs in any funding from HUD specifically for Hurricane Michael;
- Directs the Florida Building Commission to make recommendations to strengthen and enhance the building codes for storm impacts;
- Creates a loan program for local governments and school boards to apply for to repair or restore damaged facilities;
- Expands the use of the Agricultural Loan Program, and allows for individuals affected by Hurricane Michael to apply; and
- Allows third graders advancing and seniors graduating high school to advance or graduate without meeting assessment requirements in areas impacted by Hurricane Michael.

The bill passed the Senate Infrastructure and Security Committee favorably and is now in the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

**SB 1224 by Farmer, Jr., re to Charter Schools.** The bill was summarized in an earlier report and requires each charter school principal, charter school governing board member, and charter school chief financial officer to hold a credential, which must certify the individual's core competence in the administration of a charter school; it also requires DOE to approve one or more third-party credentialing entities to establish and administer the credentialing process.

The Committee Substitute by Governmental Oversight and Accountability Committee made the following substantial changes:

- Removes fees for charter school administrators' credentials, which were subject to Article VII, s. 19 of the State Constitution and therefore require separate legislation.
- Removes the section providing that charter school administrators' fingerprints will remain valid for 3 years, and adds language providing that the background check and fingerprinting applicants to open charter schools are required to obtain will be valid across the state and in perpetuity.

The bill passed the Senate Governmental Oversight and Accountability Committee favorably.

**SB 620 by Broxson re to Military Affairs.** The bill was summarized in an earlier report and provides a number of benefits to service members and their families and additional protections for military land interests and uses.

The bill passed the Senate Innovation, Industry, and Technology Committee favorably and is now in the Senate Rules Committee.

**SB 770 by Hutson re to Education.** The bill was substantially amended in the Senate Innovation, Industry and Technology Committee. Major provisions include:

- Requiring DOE to publish an annual report by September 1 on apprenticeship and preapprenticeship programs.
- Modifies criteria for apprenticeship occupations.
- Requires the Department of Business and Professional Regulation, in consultation with the applicable board and DOE, to outline potential apprenticeship programs or review existing programs to determine which programs could substitute for the required educational and experience training otherwise required for licensure.
- Renames the Higher Education Coordinating Council to the Florida Talen Development Council and modifies membership and duties. Requires a strategic plans to be submitted by December 31, 2019 to the Governor and Legislature.
- Establishes a “College and Career Decision Day.”
- Authorizes the use of credits in work-based learning and career and technical education resulting in program completion and an industry certification to be applied towards the award of a standard high school diploma.
- Requires one course in career and education planning to be completed in middle school. The course must be internet-based.
- Authorizes a student to earn two mathematics credits by completing Algebra I through tow full-year courses.
- Authorizes a student who earns a computer science credit to substitute he credit for up to one credit of mathematics with the exception of Algebra I and Geometry, , if the commissioner identifies the computer science credit as being equivalent in rigor to the mathematics credit. An identified computer science credit may not be used to substitute for both a mathematics and a science credit. A student who earns an industry certification in 3D rapid prototype printing may satisfy up to two credits of the mathematics requirement, with the exception of Algebra I, if the commissioner identifies the certification as being equivalent in rigor to the mathematics credit or credits.
- Authorizes a student who earns a computer science credit may substitute the credit for up to one credit of the science requirement, with the exception of Biology I, if the commissioner identifies the computer science credit as being equivalent in rigor to the science credit. An identified computer science credit may not be used to substitute for both a mathematics and a science credit.
- Provides that a student who earns any industry certification and the required 24 credits, or the required 18 credits under s. 1002.3105(5), but fails to pass the assessments required under s. 1008.22(3) or achieve a 2.0 GPA shall be awarded a certificate of completion in a form prescribed by the department. The certificate of completion must specify that the student is workforce ready in any field in which he or she has earned an industry certification. A student who is otherwise entitled to a certificate of completion under this paragraph may elect to remain in high school either as a full-time student or a part-time student for up to 1 additional year and receive special instruction designed to remedy his or her identified deficiencies. DOE must adopt rules to administer this paragraph.

- Requires the SBE to determine at least biennially if sufficient academic standards are covered to warrant the award of academic credit, including satisfaction of assessment requirements for career education programs that satisfy high school credit requirements.
- Establishes a Career and Technical Education Graduation Pathway Option.
- Amends the Florida Career and Professional Education Act to enroll students in career-themes courses or academies whose GPA is below a 2.0.
- Requires the Commissioner of Education to conduct an annual review of K-12 and postsecondary career and technical education offerings in consultation with multiple agencies and stakeholders. Using the findings, career and technical education offerings not aligned with the needs of employers, etc. must be phased out.
- Establishes SAIL to 60 Initiatives to increase to 60 percent the percentage of working age adults with a high-value postsecondary certificate, degree, or training experience.
- Authorizes the use of motor vehicles other than school buses for transportation to and from school sites to allow students to participate in certain career education programs.
- Requires the statewide articulation agreement to provide for a reverse transfer agreement.
- Requires a regional career pathways agreement on or before May 1 submitted to DOE.
- Requires that high school students must be provided opportunities to earn technology-related industry certifications.
- Requires each career center to enter into an agreement with each high school in any district it serves.
- Modifies the school grading system to account for the percentage of students who take AICE exams, career clock-hour dual enrollment courses totaling 450 or more hours, and students who completed registered preapprenticeship program with a minimum length of 300 hours.
- Increases CAPE Digital Tool certificates from 15 to 30.
- Requires each district and Florida College receiving workforce appropriations to maintain adequate and accurate records. State funds shall be calculated based on a weighted enrollment and program cost minus fee revenues generated to offset program operational costs, including any supplemental cost factors recommended by the District Workforce Education Funding Steering Committee.
- Establishes the FLAG or Florida Apprenticeship Grant, subject to appropriations.
- Authorizes an adjunct teaching certificate to be used for full-time teaching position. However, such certificate is valid for no more than 3 years and is nonrenewable. Require an annual report on the number of adjunct teaching certificate.

The bill passed the Senate Innovation, Industry, and Technology Committee favorably.

### **House Floor Action**

#### **SB 248 by Hooper re to Public Records/Civilian Personnel Employed by a Law Enforcement Agency.**

The bill expands exemptions from public records requirements for agency personnel information by defining the term “home addresses” for purposes of public records exemptions for personal identifying and location information of certain agency personnel and their family members.

The bill passed the full House.

**HB 407 by Rodrigues (R) re to Public Records.** The bill prohibits an agency that receives request to inspect or copy record from responding to such request by filing civil action against individual or entity making request.

The bill passed the full House.

**HB 741 by Fine re to Anti-Semitism.** The bill defines “anti-Semitism” and prohibits discrimination in Florida K-20 public education system based on religion; requires public K-20 educational institution to consider anti-Semitism under certain instances of discrimination.

The bill passed the full House.

**HB 349 by DuBose re to Students with Disabilities in Public Schools.** The bill prohibits the use of seclusion on students and revises provisions relating to the use of restraint on certain students; provides DOE, school district, school, and personnel requirements; requires continuing education and inservice training for teaching students with emotional or behavioral disabilities.

The bill passed the full House.

**HB 1027 by Aloupis re to Office of Early Learning.** The bill requires the Office of Early Learning to develop certain training and course standards for school readiness program providers; provides requirements for such training and standards; requires such training and standards to be integrated into certain preservice and inservice training requirements.

The bill passed the full House.

**SB 7014 by Governmental Oversight re to Government Accountability.** The bill specifies that the Governor, Commissioner of Education, or the designee of the Governor or of the commissioner, may notify the Legislative Auditing Committee of the entity’s failure to comply with certain auditing and financial reporting requirements, etc.

The bill has passed the full House and Senate.

**HB 15 by Burton re to Local Government Fiscal Transparency.** The bill revises the Legislative Auditing Committee duties; specifies purpose of local government fiscal transparency requirements; requires local governments to post voting record information on websites; etc.

The bill passed the full House.

**HB 5 by DiCeglie re to Discretionary Sales Surtax.** The bill requires any referendum to levy a discretionary sales surtax be held at a general election, requires approval by two-thirds of the electors voting on the ballot measure and imposes other requirements.

The bill passed the full House.

I hope this information is helpful. If you have any questions, please give me a call.