



To: Florida District School Superintendents
From: Brian T. Moore, FADSS General Counsel
Subject: FADSS Legislative Update – Week of January 25, 2021
Date: Friday, January 29, 2021

The Legislature completed its second week of committee meetings this week, and it will now be meeting every week for the next three weeks before taking a short pause prior to the start of session on March 2, 2021. Once again, not a lot of bills were heard or acted upon, but things started picking up speed as the week wore on – particularly with the Governor’s introduction of his proposed budget for FY 2021-2022.

January 25, 2021

The Senate Judiciary Committee met at the beginning of the week to consider SB 72 (Brandes), which is the Senate’s COVID-19 liability bill. Just as the first House committee passed the proposal along without any amendments, the Senate Judiciary Committee did the same. Amendments designed to make it easier to file tort lawsuits or lower the standards required to successfully raise a COVID-19 tort claim failed. SB 72 will now move to the Commerce and Tourism Committee. The House version, HB 7 (McClure), will make its second committee stop on February 3, 2021, in the Pandemics and Public Emergencies Committee.

January 26, 2021

The Senate Education Committee met, but its primary focus was on higher education this week. It did approve a committee substitute for SB 52 (Rodrigues), which includes provisions that would provide dual enrollment scholarships for private and home school students, as well as public school students enrolled in summer courses. There was some confusion about the fiscal impact of this bill, but there was not much that should affect school district operations or funding.

The Senate Commerce and Tourism Committee met and unanimously approved SB 50 (Gruters), which is designed to capture sales tax proceeds from online sales that are not being collected now. Some estimates suggest that this could generate as much as \$600 million in state and local sales tax revenues.

January 27, 2021

The House PreK-12 Appropriations Subcommittee met to discuss some of the general education budget and funding issues the Legislature will have to address in the upcoming session. There was not much in the way of new data, but there was a lot of talk about the “missing” 88,000 students in the state and the fact that districts have been paid this year for those students even though they are not enrolled. Representative Fine, who chairs the committee, said it would set a dangerous precedent to knowingly fund children who are not enrolled again next year, signaling the likelihood of using these reduced numbers of FTE to trim the budget.

These discussions demonstrate several key points:

- 1) The importance of accurate data reporting for Survey 3 next month. This data will be vital to future K-12 enrollment conferences in March and April, which will be used to finalize the FEFP.
- 2) The importance of keeping in contact with your local delegation members about the full state of affairs in districts under COVID-19. What resources have been spent finding missing students, monitoring all students, identifying and remediating learning losses, training teachers and staff, engaging parents working with their students at home, etc.? What sort of issues have arisen with respect to computers and internet connectivity, quarantine protocols, staff shortages, etc.? How many of the kids who were “missing” in early October have been found? The people who will ultimately be making the final decisions need to know the details behind the headlines they may have read.

To further illustrate these points, I have attached a summary from Jim Hamilton about the potential impact on funding if the budget is based on a reduction of approximately 80,000 students from the statewide FTE count.

January 28, 2021

The Governor released his proposed budget for FY 2021-2022. In terms of FEFP funding, it is based on a net reduction of 48,000+ FTE, which is based on the most recently adopted K-12 enrollment estimate. With those numbers, it is advertised as a proposed increase of \$132 per FTE in the base student allocation (BSA). Overall, the average funding per FTE would increase from \$7,786 to \$8,019 (\$232 per unweighted FTE or 2.99%), but that is based on 59 of 67 districts seeing a decrease in their enrollment. If the forecasted FTE enrollment for FY 2021-2022 increases before the end of session, or if more students than forecast return to school next fall, those projected increases may not materialize. We will be digging deeper into the specifics of the Governor’s budget proposal in the coming days, and it will be a major focus of several legislative committees next week. We will provide a more detailed analysis next week

after it has been discussed in several appropriation committees, but I have attached a few bullet-points that Merrill Wimberley pulled from the proposal to help summarize it.

Ongoing and Upcoming Items of Interest

I want to thank all of you who shared some of your early literacy efforts with me. We expect the House Early Learning and Elementary Education Subcommittee to take up the topic during the week of February 15, and they will want to hear about some of the efforts already underway in different parts of the state. HB 3 (Trabulsky), filed on January 28, will create the New Worlds Reading Initiative to send free books home to K-5 students reading below grade level. This bill is clearly one to watch, as it directly addresses one of the Speaker's primary concerns.

We also will keep watching the progress of HB 7 and SB 72, which could protect districts from costly legal fees related to COVID-19 tort claims. HB 7 is the first bill this year that has been scheduled to get its second committee hearing, so it is carrying a lot of momentum right now.

In addition, the Senate Education Committee will be busy next week. On February 3, 2021, it is scheduled to hear SB 48 (Diaz), which was filed last week and would combine and streamline Florida's many scholarship and voucher programs. We will be watching this one closely to see what impact it may have on district operations and finances. The Committee will also consider:

- SB 146 (Brandes) creating a nonpartisan civic literacy practicum that can be incorporated into US Government courses, which could then earn those schools which incorporate it the designation as a Freedom School,
- SB 200 (Berman) authorizing parents to elect to keep their children in the same grade next year, and
- SB 282 (Baxley) requiring one to two minutes be set aside during first period each day for a moment of silence.

These bills will be discussed at greater length after next week's meetings.

Finally, the FY 2021-2022 budget will remain in focus next week. The Senate Appropriations Committee will meet on February 2, 2021, and then the House Appropriations Committee will meet the next day. Both are scheduled to receive information about federal relief spending and the Governor's budget recommendations for the next fiscal year. The Governor's recommendations are also scheduled to be discussed in the Senate Education Appropriations Subcommittee on February 3, 2021.

As always, please let me know if you have any questions about a bill or anything else happening here in Tallahassee.