



To: Florida District School Superintendents
From: Brian T. Moore, FADSS General Counsel
Subject: FADSS Legislative Update – Week of February 1, 2021
Date: Friday, February 5, 2021

The Legislature completed its third week of committee meetings this week. Unlike previous weeks, there was a lot more activity on specific bills, including several affecting education or government operations in general. Several committees also devoted a lot of time to the 2021-22 budget.

FY 2021-2022 Budget

The *Senate Appropriations Committee* received presentations on both the Coronavirus Relief Fund and the [Governor's proposed budget for 2021-22](#). Questions were raised about the 88,000 "missing" students in the state, and it was explained that the Governor's budget was built on the "loss" of those students, which is why it shows a decrease of about 48,000 unweighted FTE. I have attached some analysis of the Governor's proposed budget and other financial information from Jim Hamilton for those looking for more detail. Hopefully, following Survey 3 this week and the next round of estimating conferences coming up in the next month or so, we will all be working with clearer numbers when the Legislature gets closer to a final product.

The *House Appropriations Committee* went over federal relief funds and the Governor's proposed budget, much as its Senate counterpart did the day before. Once again, attention was paid to districts being held harmless this year despite the drop in enrollment, and questions were raised about districts not yet spending all of their ESSER funds but still about to get four times as much with ESSER 2. Some legislators continue to express a lack of awareness of increased costs or needs within the districts now that most students have returned to brick and mortar instruction.

Proposed Legislation

The following substantive bills were heard in committee this week:

- [SB 48 \(Diaz\)](#), Reported favorably by *Senate Education Committee* - The bill consolidates the states' K-12 voucher/scholarship programs, converts all existing K-12

scholarship/voucher programs to education savings accounts (ESAs), and funds them through a line item in the FEFP.

- The Florida Tax Credit Scholarship and Hope Scholarship are folded into the Florida Empowerment Scholarship. The bill also combines the McKay and Gardiner programs into one program (McKay-Gardiner Scholarship).
- The bill removes the requirement of prior public school enrollment for all K-12 scholarship/voucher programs.
- FADSS will continue to keep an eye on this bill, particularly with respect to the funding implications for districts, staff time and resource demands with the IEP requirements, and other potential impacts on district time and resources.
- **SB 78 (Rodrigues)**, Temporarily postponed in *Senate Judiciary Committee* – The bill requires union members to sign up for dues deductions after every new contract negotiation. It also requires the employer to verify this request with the employee. One of the issues discussed during debate was the potential increase in staff time and paperwork if the district’s payroll department must verify, whether by email or some other process, hundreds or thousands of dues deduction requests every year. The staff analysis concluded that this would not be significant (“Public employers may experience an indeterminate, but likely insignificant, increase in workload and costs associated with the administration of the authorization and revocation of dues deductions.”)
 - The bill is on the agenda again on February 10, 2021. The bill has already passed the Senate’s *Government Oversight and Accountability Subcommittee*.
- **SB 84 (Rodrigues)**, Reported favorably by *Senate Governmental Oversight and Accountability Committee* – The bill would prohibit new employees from joining the FRS Pension Plan beginning July 1, 2022. Concerns were raised that the pension plan is a key factor in recruiting teachers and others to seek careers in public service. There were also concerns about the health of the pension plan going forward if no new employees could join, but they are awaiting an actuarial study that will look at that issue, among others. The bill is now in its second and final committee stop in the *Senate Appropriations Committee*.
- **SB 146 (Brandes)**, Reported favorably by *Senate Education Committee* - The bill establishes a nonpartisan civic literacy practicum, which high schools could choose to incorporate into their US Government courses. Those schools that successfully implement this practicum could then be eligible for designation as a Freedom School.
 - The bill passed unanimously and has only one other committee assignment.
- **SB 200 (Berman)**, Reported favorably by *Senate Education Committee* – The bill would allow parents of a child in grades K-8 to have their child retained at the end of this school year only, if requested by June 30, 2021. FADSS will be attempting to identify potential unintended consequences, like age implications in high school or whether parents will try to unofficially withdraw their child from school knowing that they can choose to retain them.

- **[SB 282 \(Baxley\)](#)**, Reported favorably by *Senate Education Committee* – The bill would require, rather than allow, a mandatory 1-2 minute moment of silence at the start of each school day. There were some questions about possible employee discipline if a teacher forgot to include the moment of silence and possible bullying or peer pressure directed to those who did not wish to engage in the moment of silence or perhaps prayed in a different way than most.
 - Last year, the same bill made it through both the House and Senate committee process but never got called for a final vote in either chamber.
- **[SB 7018](#)**, Reported favorably by *Senate Governmental Oversight and Accountability Committee* - This bill would set the FRS employer contribution rates for 2021-22. Right now, the projections show an overall increase that is a little less than half of what was seen last year and includes a slight reduction in the retiree health insurance trust fund contribution rate from 1.66 to 1.5%.
- **[HB 3 \(Trabulsy\)](#)**, Reported favorably by the *House Early Learning and Elementary Education Subcommittee* -
 - The bill establishes the New Worlds Reading Initiative, which is designed to get free books sent to the homes of K-5 students reading below grade level. Districts that choose to participate will partner with one or more local non-profit organizations, such as the district’s education foundation, to raise 50% of the costs needed to distribute the free books. The other 50% of the costs will be paid by the DOE or whichever entity it may engage to administer the program.
 - This bill was announced last week during a press conference held by Speaker Sprowls. As Dr. Grego said in the press release issued afterwards, “Access to educational services and resources is critical to student success. Any program that allows parents to spend time at home reading with their children, and extends the learning day, is a positive for our students.”
 - The bill passed with unanimous support and now moves on to the *PreK-12 Appropriations Subcommittee*.
- **[HB 7 \(McClure\)](#)**, Reported favorably by the *House Pandemics and Public Emergencies Committee* – This is the House’s Covid-19 liability protection bill.
 - The bill has already passed the *House Civil Justice and Property Rights Subcommittee*. It will now move on to its third and final committee stop in the *House Judiciary Committee*.
 - The identical Senate companion, **[SB 72](#)** (Brandes), is in the *Commerce and Tourism Committee*, which did not meet this week.
- **[HB 35 \(Fine\)](#)**, Reported favorably by the *House Civil Justice and Property Rights Subcommittee* – The bill allows most government agencies to publish legal notices on a website rather than in the newspaper.
 - Although school districts are mentioned in the bill analysis, the bill does not include a reference to Chapter 120 or section 120.81 specifically, which requires

districts to publish their meeting and rule/policy notices in the newspaper. FADSS will be following-up on this bill to see whether it is intended to address the monthly costs most districts experience publishing so many meeting notices in local newspapers.

The Week Ahead

Right now, there is not a lot on the agenda next week, as many committees will not be meeting or will only be receiving presentations on issues, such as more budget and finance presentations. [CS/SB 52 \(Rodrigues\)](#), which primarily addresses dual enrollment opportunities for private and home school students, will make its second committee stop in the Senate Education Appropriations Subcommittee, but there is not much else related to preK-12 education on the calendar yet. Obviously, things can change rapidly.

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