



To: Florida District School Superintendents  
From: Brian T. Moore, FADSS General Counsel  
Subject: FADSS Legislative Update – Week of March 22, 2021  
Date: Friday, March 26, 2021

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This week’s Legislative Update will have less analysis than normal due to the FADSS Spring Conference taking place Wednesday and Thursday. After a short discussion of budgetary issues, there is a chronological review of tracked bills from the fourth week of the 2021 Session along with the Legislature’s summary of each bill’s contents. As always, please let me know if you have any comments or questions about any bill or issue before the Legislature this session.

### **Budget and Finance**

The appropriation subcommittees introduced initial budgets this week. While a lot will change over the next five weeks after new revenue and enrollment estimates are received, it is important to see where each appropriations subcommittee started the discussion. If you recall, the Governor’s proposed budget included a \$132 increase in the base student allocation (BSA) but a drop of roughly 48,000 in student enrollment. The *Senate Appropriations Subcommittee on Education* released its initial budget which would essentially level-fund the 2021-22 budget but with 48,000 fewer students. There would be no change in the BSA. The Senate would then set aside about \$350 million to use if many of those “missing” students return.

Meanwhile, the *House PreK-12 Appropriations Subcommittee* heard both a proposed committee bill (PCB) and the Chair’s proposed education budget. The conforming bill ([HB 5101](#)), among other things, would repeal the Turnaround School Supplemental Services Allocation and the Decline in Full-Time Equivalent Students Allocation, and it would not re-enact the Funding Compression and Hold Harmless Allocation. It would also remove the requirement that the lowest 300 schools use their Supplemental Academic Instruction Allocation on providing an extra hour of intensive reading every day. Finally, it would require districts to use portions of their emergency federal funds on locating “missing” students and remediating learning loss for K-12 students. The Chair’s proposed K-12 budget is also based on a 48,000 decline in student enrollment and includes a BSA increase of \$52.11. However, it includes quite a bit of ESSER II funding in its distribution, and it sets aside \$334 million for the possible return of missing students, which is pulled from the Class Size Reduction Allocation.

## **Legislation**

**HB 723 (Massullo)** – Juvenile Justice Education Programs – reported favorable by *House Appropriations Committee*. Increases percentage of certain funds that must be spent on specified costs; requires contracts between district school boards & juvenile justice education programs be in writing; requires DOE provide mediation services for certain disputes; prohibits school boards from delaying certain payments pending receipt of local funds. Effective Date: July 1, 2021. See also CS/SB 486 (Bradley) below.

**CS/HB 1505 (Melo)** – Workforce Programs and Services – reported favorable by *House Appropriations Committee*. Requires DOE & DCF, in consultation with DEO, to implement automated consumer-first workforce system; requires DEO to develop training for specified partners; requires certain DOE standards & policies to include specified requirement for training providers; provides criteria for work-based learning opportunity; requires that certain resources be used in career & education planning courses & character development curriculum; provides requirements for certain student career service centers & courses for digital credential. Effective Date: July 1, 2021.

**CS/CS/HB 1507 (Yarborough)** – Workforce Related Programs and Services – reported favorable with two amendments to performance bonus language by *House Appropriations Committee*. Creates Office of Reimagining Education and Career Help; creates & revises provisions relating to workforce services including the Labor Market Estimating Conference, workforce opportunity portal, state board composition, Credentials Review Committee, state plan requirements, waivers, local workforce development boards, Master Credentials List, CAPE Industry Certification Funding List, industry certifications, SEAS program, workforce development metrics, Florida Talent Development Council, Open Door Grant Program, preapprenticeship & apprenticeship program grants, & Money-back Guarantee Program. Effective Date: July 1, 2021.

**CS/SB 402 (Rodrigues)** – Public Notice and Voting Rights Restoration Database -- reported favorable by the *Senate Judiciary Committee*. Authorizing legal notifications in certain cases to be published on a website established by the Supreme Court, in lieu of newspaper publication; specifying that website publication constitutes proof of publication, unless otherwise determined by a court; authorizing a county to publish such legal notifications in a newspaper, subject to certain limitations, etc.

**CS/SB 1108 (Diaz)** – Education – reported favorable by the *Senate Judiciary Committee*. Authorizing the Department of Education to hold patents, copyrights, trademarks, and service marks; requiring certain students to take a specified assessment relating to civic literacy; requiring certain postsecondary students to complete a civic literacy course and pass a specified assessment to demonstrate competency in civic literacy; requiring school districts to provide the SAT or ACT to grade 11 students beginning in a specified school year; revising the tests that are included under test administration and security rules, etc. Effective Date: 7/1/2021

**HB 99 (Gottlieb)** -- Use of Epinephrine Auto-injectors on Public K-20 Campuses – reported favorable by the *House Post-Secondary Education and Lifelong Learning Subcommittee*.

Provides that state universities & FCS institutions are considered authorized entities for specified purposes relating to emergency use of epinephrine auto-injectors; requires, rather than authorizes, public schools to purchase or acquire supply of epinephrine auto-injectors for specified purposes; requires such epinephrine auto-injectors be maintained in specified location; requires state universities & FCS institutions to purchase or acquire supply of epinephrine auto-injectors for specified purposes; provides requirements for such supplies of epinephrine auto-injectors; requires state universities & FCS institutions to develop specified protocols; provides liability for use of such epinephrine auto-injectors. Effective Date: July 1, 2021

**CS/HB 383 (Plascencia)** – Involuntary Examination of Minors – reported favorable by the *House Secondary Education and Career Development Subcommittee*. Revises certain notification requirements that must be met before removing minor from school, school transportation, or school-sponsored activity for involuntary examination. Effective Date: July 1, 2021.

**CS/HB 429 (Learned)** – Purple Star Schools – reported favorable by the *House Secondary Education and Career Development Subcommittee*. Requires DOE to establish Purple Star School Program; requires department to adopt certain procedures; requires department, in consultation with certain entities, to adopt program criteria; specifying minimum criteria; requires annual reporting. Effective Date: July 1, 2021.

**HB 827 (Hawkins)** – School District Funding – reported favorable by the *House Secondary Education and Career Development Subcommittee*. Requires school districts allocate certain amount of specified funds to programs that prepare students to enroll in AICE courses; requires such funds be spent on specified costs; requires school districts to distribute specified bonuses to certain teachers providing pre-AICE instruction; requires bonuses based on student's score on AICE examination to be paid to all AICE teachers. Effective Date: July 1, 2021.

**HB 1031 (Rodriguez)** – Charter Schools – reported favorable by the *House Secondary Education and Career Development Subcommittee*. Revises provisions relating to charter school applications, use of specified assets, opening of additional high-performing charter schools, & virtual charter schools. Effective Date: July 1, 2021.

**HB 1033 (Borrero)** – Certificate of Completion – reported favorable by the *House Secondary Education and Career Development Subcommittee*. Specifies students who have been awarded certificates of completion are eligible to enroll in certain programs. Effective Date: July 1, 2021.

**HB 1061 (Smith)** – Schools of Hope – reported favorable by the *House Secondary Education and Career Development Subcommittee*. Adds certain hope operators to entities required to perform annual financial audit & provide financial statements; revises definition of "persistently low-performing school"; revises student reporting for schools of hope; revises provisions related to the list of specified facilities; revises time certain funds may be carried forward; requires certain school of hope personnel undergo background screening. Effective Date: July 1, 2021.

**HB 1159 (Busatta Cabrera)** – Educator Preparation and Certification – reported favorable by the *House Secondary Education and Career Development Subcommittee*. Revises provisions

relating to state-approved teacher preparation programs, career programs, educator certification, & William Cecil Golden Professional Development Program for School Leaders. Effective Date: July 1, 2021.

**CS/CS/SB 86 (Baxley)** – Student Financial Aid – reported favorable by the *Senate Appropriations Subcommittee on Education*. Requiring the Board of Governors of the State University System to create an online dashboard; revising eligibility for an award under the Bright Futures Scholarship Program or the Benacquisto Scholarship Program; revising the formula for calculating how Florida Public Student Assistance Grant Program funds are distributed; authorizing a Florida Bright Futures Scholarship recipient to apply the unused portion of a Florida Academic Scholars award or Florida Medallion Scholars award toward graduate study for a specified academic year; establishing the Florida Bright Opportunities Grant Program; establishing the Florida Endeavor Scholarship Program, etc. Effective Date: 7/1/2021.

**CS/SB 486 (Bradley)** – Juvenile Justice Education Programs – reported favorable by the *Senate Appropriations Subcommittee on Education*. Increasing the percentage of certain funds that must be spent on specified costs; requiring that contracts between district school boards and juvenile justice education programs be in writing; requiring the Department of Education to provide mediation services for certain disputes; prohibiting school boards from delaying certain payments pending receipt of local funds, etc. Effective Date: 7/1/2021. See also HB 723 (Massullo) above.

**SB 1372 (Burgess)** – Literacy Improvement – reported favorable by the *Senate Appropriations Subcommittee on Education*. Establishing the New Worlds Reading Initiative under the Department of Education; requiring the administrator, in consultation with a specified entity, to develop a selection of books; requiring the administrator to coordinate monthly book distribution to certain students; requiring the administrator to assist with local implementation of the initiative; requiring that a certain notification include information about the initiative, etc. Effective Date: 7/1/2021.

**SB 1898 (Rodriguez)** – Student Literacy – reported favorable by the *Senate Appropriations Subcommittee on Education*. Revising and providing duties for the Just Read, Florida! Office within the Department of Education; requiring the Department of Education, in consultation with the Office of Early Learning, to implement a coordinated screening and progress monitoring system for students in the Voluntary Prekindergarten Education Program through grade 8; requiring certain students to participate in a certain coordinated screening and progress monitoring system; creating the “Reading Achievement Initiative for Scholastic Excellence Act”, etc. Effective Date: 7/1/2021.

**SB 98 (Albritton)** – Workforce Related Programs and Services – reported favorable by the *Senate Education Committee*. Renaming the Workforce Estimating Conference as the Labor Market Estimating Conference; removing authority for a local board to review a decision by the department to deny a contract; requiring certain standards and policies established by the Department of Education to include a specified requirement for training providers; requiring that middle grades career and professional academies and career-themed courses lead to careers in

occupations aligned with the CAPE Industry Certification Funding List, etc. Effective Date: 7/1/2021.

**SB 2012 (Stargel)** – Promoting Equality of Athletic Opportunity – reported favorable by the *Senate Education Committee*. Citing this section as the "Promoting Equality of Athletic Opportunity Act"; requiring that certain athletic teams or sports sponsored by certain educational institutions be designated on the basis of students' biological sex; prohibiting athletic teams or sports designated for female students from being open to male students; specifying conditions under which persons who transition from male to female are eligible to compete in the female category; requiring a student that fails to comply with certain conditions to be suspended from female competition for 12 months; requiring the Board of Governors of the State University System to adopt regulations and the State Board of Education to adopt rules regarding the resolution of disputes, etc. Effective Date: 7/1/2021.

**SB 1094 (Bean)** – Required Health Education Instruction – reported favorable by the *Senate Education Committee*. Providing additional requirements for health education; revising the grade levels when students receive certain health education instruction; requiring health education instruction to include prevention of specified harms, etc. Effective Date: 7/1/2021.

**SB 192 (Book)** – Students with Disabilities in Public Schools – reported favorable by the *Senate Education Committee*. Requiring school districts to prohibit the use of seclusion on students with disabilities in public schools; requiring school districts to adopt positive behavior interventions and supports and certain policies and procedures; creating the Video Cameras in Public School Classrooms Pilot Program; requiring continuing education and inservice training for instructional personnel teaching students with emotional or behavioral disabilities, etc. Effective Date: 7/1/2021.

**CS/SB 582 (Rodrigues)** – Parental Rights – reported favorable by the *Senate Education Committee*. Creating the "Parents' Bill of Rights"; prohibiting the state, its political subdivisions, other governmental entities, or other institutions from infringing on parental rights unless specified conditions are met; requiring each district school board to develop and adopt a policy to promote parental involvement in the public school system; prohibiting health care practitioners and their employees from providing health care services or prescribing medicinal drugs to a minor child without a parent's written consent, etc. Effective Date: 7/1/2021.

**SB 880 (Rodriguez)** – Florida High School Athletic Association – temporarily postponed by the *Senate Education Committee*. Requiring the Florida High School Athletic Association to adopt specified bylaws or policies, etc. Effective Date: 7/1/2021.

**SB 1028 (Hutson)** – Charter Schools – reported favorable by the *Senate Education Committee*. Authorizing state universities and Florida College System institutions to solicit applications and sponsor charter schools under certain circumstances; requiring the board of trustees of a state university or Florida College System institution that is sponsoring a charter school to serve as the local educational agency for such school; prohibiting certain charter school students from being included in specified school district grade calculations; authorizing a career and professional academy to be offered by a charter school, etc. Effective Date: 7/1/2021.

**SB 1282 (Harrell)** – Early Learning and Early Grade Success – reported favorable by the *Senate Education Committee*. Deleting the Office of Early Learning from within the Office of Independent Education and Parental Choice of the Department of Education; establishing the Division of Early Learning within the department; revising approved child care or early education settings for the placement of certain children; requiring each parent who enrolls his or her child in the Voluntary Prekindergarten Education Program to allow his or her child to participate in a specified screening and progress monitoring program; revising the performance standards for the Voluntary Prekindergarten Education Program; authorizing certain students who enrolled in the Voluntary Prekindergarten Education Program to receive intensive reading interventions using specified funds, etc. APPROPRIATION: \$3,865,759 Effective Date: Upon becoming a law.

**HB 489 (Daley)** – Student Identification Cards – reported favorable by the *House Early Learning and Elementary Education Subcommittee*. Requires school principals to ensure that crisis prevention hotline & text line and behavioral health hotline & text line numbers are printed on back of student ID cards. Effective Date: July 1, 2021.

**HB 849 (Valdes)** – School Absence Due to Sickness or Injury – reported favorable by the *House Early Learning and Elementary Education Subcommittee*. Specifies types of sickness or injury included under certain exemption to attendance policy. Effective Date: July 1, 2021.

**HB 1119 (Daley)** – Water Safety and Swimming Certification for K-12 Students – reported favorable by the *House Early Learning and Elementary Education Subcommittee*. Requires district school boards & governing authorities of private schools to ask if certain children have completed a water safety education course & swim lessons; provides that schools may ask for specified certification; requires schools offer document containing specified information to certain children; requires school districts to maintain certain records; provides liability exemption for specified injuries. Effective Date: July 1, 2021.

**HB 1635 (Ingoglia)** – Hernando County School District, Hernando County – reported favorable by the *House Early Learning and Elementary Education Subcommittee*. Repeals resolution of School Board of Hernando County providing for appointed superintendent of schools; provides for an elected superintendent of schools & referendum. Effective Date: upon becoming a law.

**CS/HB 6075 (Shoaf)** – Required Publication of Local Board Meeting Minutes – reported favorable by the House Local Administration and Veterans Affairs Subcommittee. Repeals provisions relating to publication of minutes of county school board or board of county commissioners in newspaper of general circulation in Calhoun, Liberty, Wakulla, Washington, Gulf, Clay, Franklin, Holmes, Okeechobee, Leesburg, & Dixie Counties. Effective Date: upon becoming a law.

**CS/SB 750 (Gruters)** – Impact Fees -- reported favorable by the Senate Community Affairs Committee. Specifying instances when a local government or special district may collect an impact fee; requiring local governments and special districts to credit against the collection of impact fees any contribution related to public facilities; providing annual limitations on impact

fee rate increases; requiring school districts to report specified items regarding impact fees, etc. Effective Date: 7/1/2021.

**SB 1626 (Albritton)** – Administrative Procedures – reported favorable by the Senate Government Oversight and Accountability Committee. Applying certain provisions applicable to all rules other than emergency rules to repromulgated rules; requiring an agency to provide a copy of a regulatory alternative to the Administrative Procedures Committee; requiring emergency rules to be published in the Florida Administrative Code; requiring an agency to provide a copy of any proposal for a lower cost regulatory alternative to the committee within a certain timeframe; requiring an agency to publish a notice of repromulgation in the Florida Administrative Register and file a rule for promulgation with the department within a specified timeframe, etc. Effective Date: 7/1/2021.

**CS/HB 131 (Duggan)** – Educator Conduct – reported favorable by the *House Education and Employment Committee*. Requiring DOE to maintain a disqualification list of individuals; revises provisions relating to employment & termination of public school & private school employees; revises duties of DOE, Commissioner of Education, & school districts relating to employee conduct & employment & termination of public school & private school employees. Effective Date: July 1, 2021.

**CS/HB 173 (Tant)** – Individual Education Plan Requirements for Students with Disabilities – reported favorable by the *House Education and Employment Committee*. Revising provision related to development and implementation of IEPs for students with disabilities regarding postsecondary education and career opportunities including such IEP requirements, timeline, information provided, & statement of intent; requiring DOE Education to review specified services & programs; requiring DOE to establish & publish uniform best practices for such services & programs. Effective Date: July 1, 2021.

**HB 241 (Grall)** – Parents’ Bill of Rights – reported favorable by the *House Education and Employment Committee*. Provides parental rights relating to a minor child's education, upbringing, & health care; provides school district, health care practitioner, hospital requirements & specified penalties. Effective Date: July 1, 2021.

**CS/HB 519 (Yarborough)** – Required Health Education Instruction – reported favorable by the *House Education and Employment Committee*. Provides additional requirements for health education; revises grades when students receive certain health education instruction; requires health education instruction include prevention of specified harms. Effective Date: July 1, 2021.

**HB 793 (Bell)** – Measurement of Student Performance – reported favorable by the *House Education and Employment Committee*. Requires Commissioner of Education to annually provide specified results to school districts by certain date. Effective Date: July 1, 2021.

**CS/HB 1027 (Barnaby)** – Opening Remarks at High School Athletic Contests – reported favorable by the *House Education and Employment Committee*. Requires athletic associations to create bylaws, policies, or procedures allowing opening remarks at events; provides requirements

for remarks; requires announcements before opening remarks; provides opening remarks at events are at the discretion of each school. Effective Date: July 1, 2021.

### **Post-Committee Legislation**

**CS/CS/SB 50 (Gruters)** – Taxes and Fees and Remote Sales – approved by the Senate. This bill would make sure sales taxes are collected on more internet sales than are currently collected. The additional revenue collected will be used to shore up the Unemployment Compensation Trust Fund.

**CS/CS/SB 52 (Rodrigues)** – Postsecondary Education – approved by the Senate. The bill will now be sent to the House for consideration. This bill would create a dual enrollment scholarship program to cover private and home school students year-round, as well as public school students who take courses in the summer.

**CS/SB 72 (Brandes)** – Civil Liability for Damages Relating to COVID-19 – heard by the House on Special Order and is now ready for final consideration. This bill would protect school districts from tort claims filed related to COVID-19.

**CS/CS/HB 259 (Williamson and Byrd)** – Safety of Religious Institutions – approved by the House. This bill would allow religious institutions to decide whether people can carry firearms on property the institutions own or lease.