



To: Florida District School Superintendents  
From: Brian T. Moore, FADSS General Counsel  
Subject: FADSS Legislative Update – Week of March 29, 2021  
Date: Friday, April 2, 2021

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As we reached the midway point of the 2021 Session, several bills completed the committee process, some bills that seem unlikely to pass this year received their very first hearing, and most eyes and ears turned to the budget discussions that started last week and kicked into higher gear this week. We also saw the first bill enacted into law Monday, which is discussed briefly below.

### **Budget and Finance**

The Senate and House Appropriations Committees met this week to further develop the 2021-22 budget, and there are some major differences between the two chambers, including their handling (or not handling) of federal relief dollars (ESSER II and III). Jim Hamilton has prepared several reports, which are attached to this update for your review. However, the Education Estimating Conference met April 1, 2021, to update the expected PreK-12 enrollment for next year, and the Revenue Estimating Conference will provide an updated report on April 6, 2021, for the State’s overall economic outlook. Those two updates may prompt some significant changes in the proposed budgets as they move forward. For example, it appears that there were roughly 10-11,000 more students enrolled during Survey 3 than Survey 2, and the Conference appeared to accept the district-adjusted estimates made in February and further adjusted after Survey 3. Also, the two chambers will have to decide whether they can use ESSER funds to supplant money already spent in this year’s budget or direct how ESSER II and III funds must be spent by the districts.

### **Legislation**

#### **Spotlight**

**SB 7070 (Gruters) – Impact of COVID-19 on Education Institutions** – reported favorably by the Senate Education Committee. This bill includes several provisions to address COVID-19, its effect on schools, and accountability provisions for the 2020-21 school year. With respect to accountability, the bill contemplates school grades being calculated but used only for positive reasons, including exiting turnaround status and eligibility for the Florida School Recognition Program.

In addition, the bill, as originally filed, allowed parents to retain third graders, but [CS/SB 200 \(Berman\)](#) was amended into the bill, which would allow a parent to retain any child between grades K-5, as long as it is for academic reasons. Similarly, [HB 1025 \(Skidmore\)](#), which is SB 200's companion, was reported favorably by the *House Early Learning and Elementary Education Subcommittee* after amending the parent retention language to apply only to grades K-5 as well.

[CS/SB 72 \(Brandes\)](#) – Civil Liability for Damages Relating to COVID-19 – Governor DeSantis signed this bill into law on March 29, 2021, making it the [first bill signed into law this year](#). This law will protect school districts from tort claims filed related to COVID-19.

#### Other Legislation

[CS/HB 311 \(Silvers\)](#) / [SB 1456 \(Rodrigues\)](#) – Public Records / Examination and Assessment Instruments – This bill would expand the scope of the public records exemptions for certain examination and assessment instruments, such as the statewide kindergarten screening instrument. In its third and final committee stop, it was reported favorably by the *House Education and Employment Committee*. The Senate version received its first committee hearing and was reported favorably by the *Senate Education Committee*.

[CS/CS/HB 383 \(Plasencia\)](#) / [SB 590 \(Harrell\)](#) – Involuntary Examination of Minors – These bills address the involuntary examination of minors (Baker Act). The amended House version of the bill would require a school to make reasonable attempts to notify a parent before a child is removed from school unless the principal believes that delaying the removal would harm the student. All of the other provisions that were in the original bill, which remain in the Senate version, were removed, including several district mandates regarding data collection and reporting. This amended House version was reported favorably by the *House Education and Employment Committee*, which was its third and final committee assignment. Meanwhile, SB 590 was reported favorably by the *Senate Education Committee* without amendment. It has one more committee assignment.

[HB 723 \(Massullo\)](#) / [CS/SB 486 \(Bradley\)](#) – Juvenile Justice Education Programs - reported favorably by *House Education and Employment Committee*, which was its third and final committee assignment. These bills increase the percentage of certain funds that must be spent on specified costs; require contracts between district school boards and 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.

[HB 1033 \(Borrero\)](#) / [SB 1394 \(Rodriguez\)](#) – Certificate of Completion – reported favorably by the *House Education and Employment Committee*, which was its second and final committee assignment. The Senate version was reported favorably by the *Senate Education Committee*., which was its first committee hearing. These bills provide that students awarded a certificate of completion are eligible to enroll in a career center program.

[HB 529 \(Fine\)](#) / [SB 282 \(Baxley\)](#) – Moments of Silence in Public Schools – The House approved HB 529 on March 25, 2021, and sent it to the Senate. This week, the *Senate Judiciary*

*Committee* reported SB 282 favorably, leaving it with just one more committee stop, which is scheduled on April 6, 2021. These bills require a one to two-minute moment of silence at the start of each school day for public school students. Teachers may not suggest to students how they will spend their moment of silence and instead must encourage parents to discuss it with their children.

[CS/CS/HB 15](#) (Clemons and LaMarca) / [CS/CS/SB 50](#) (Gruters) – Sales and Use Tax. The Senate approved its version of the internet sales tax bill last week. The *House Commerce Committee* reported favorably a committee substitute that closely matches the Senate’s bill. The additional revenue will be used to replenish the Unemployment Compensation Trust Fund to prevent rate hikes as a result of the pandemic.

[HB 1119](#) (Daley) / [SB 358](#) (Berman) – Water Safety and Swimming Certification for K-12 Students – reported favorable by the *Senate Education Committee*. These bills require school districts to provide parents of new, enrolling students with information about low cost swimming certification options in the area.

[CS/HB 507](#) (Rizo) / [CS/SB 1108](#) (Diaz) – Education – reported favorably by the *House Appropriations Committee* and the *Senate Education Committee*. The bill would authorize the DOE to hold patents, copyrights, trademarks etc., and to sell or license any materials for which they control the rights. It also requires students to take a civic literacy assessment after their U.S. Government class. Students who pass the assessment would then be exempt from this bill’s newly required civic literacy course requirement for Florida college and university students. Finally, it requires school districts to administer either the SAT or ACT for all 11<sup>th</sup> grade, public school students.

[HB 7033](#) / [SB 1816](#) (Rouson) – Task Force on Closing the Achievement Gap for Boys – reported favorably by the *Senate Education Committee*. This bill would create a task force to examine the problem of the large achievement gap for boys (test scores, discipline rates, disability rates, etc.) and make recommendation to close that gap. One Superintendent who has implemented programs and strategies to close the achievement gap for boys with the assistance of a local non-profit will be a member of the task force.

[CS/CS/HB 131](#) (Duggan) / [SB 1864](#) (Perry) – Educator Conduct – reported favorable by the *Senate Education Committee*. This bill has made its way through the House the last couple of years and attempts to address school employees being accused of sexual misconduct with students and then resigning before an investigation can be completed only to wind up working a different district. The Senate version is very similar but not identical, as many of its provisions would address district employees who resign prior to the completion of an investigation or in lieu of termination for anything that affects the health, safety, or welfare of students, not just sexual misconduct. The House version has completed the committee process, while this was the first of three scheduled stops for the Senate version.

[CS/HB 545](#) (Chaney) / [SB 410](#) (Rodriguez) – Materials Harmful to Minors – reported favorably with a significant amendment by the *Senate Criminal Justice Committee*. As originally drafted, these bills would seek to ban “obscene” materials from the public schools and

require districts to obtain written consent from parents before teaching any sexual education curriculum. The House version was amended to include only the “opt-in” clause concerning sexual education. The Senate version had its first committee hearing this week, and Senator Brandes successfully proposed an amendment that would require school districts to adopt sex education materials annually at a public meeting to allow public and parental input but would retain a parent’s right to opt-out of this required instruction, rather than require that they opt-in. The House version of the bill has received one of two scheduled committee hearings, and the Senate version received its first committee hearing this week and still has two more scheduled stops.

**CS/HB 849 (Valdes) / SB 1158 (Rouson)** – School Absence Due to Sickness or Injury – reported favorably by the *House Secondary Education and Career Development Subcommittee*. As amended, the House version allows other licensed professionals to provide an excused absence note in addition to licensed physicians. The Senate version looks to excuse both physical and mental illness as a basis for an excused absence. The House version has one more committee assignment, while the Senate version has not yet received a committee hearing.

**CS/HB 157 (Hawkins and Busatta Cabrera) / SB 280 (Baxley)** – K-12 Physical Health Requirements / Cardiopulmonary Resuscitation Training in Public Schools – reported favorably by the *House Secondary Education and Career Development Subcommittee*. This bill would require basic first aid instruction and CPR training to be incorporated into 9<sup>th</sup> and 11<sup>th</sup> grade instruction. The House version included a requirement that the required FHSAA medical evaluation include an electrocardiogram for athletic eligibility, but that provision was removed with the committee substitute. Both bills now have completed only one of three committee assignments.

**HB 559 (Hawkins)** – Computer Science Instruction in Elementary Schools – reported favorably by the *House PreK-12 Appropriations Subcommittee*. This bill would require, as opposed to allow, computer programming instruction in grades K-12, including “computational thinking and foundational computer science skills.” There is no Senate companion.

**HB 419 (Grall) / SB 1282 (Harrell)** – Early Learning and Early Grade Success – reported favorably by the *House PreK-12 Appropriations Subcommittee*. The bill would change the way early learning is governed in the State of Florida. It repeals the Office of Early Learning and replaces it with a Division of Early Learning within the DOE, which then provides the State Board of Education (SBE) with rulemaking and oversight authority over both the voluntary prekindergarten (VPK) and school readiness programs. It moves the Gold Seal Quality Care Program from the Department of Children and Families (DCF) to the DOE, and it brings Early Learning Coalitions (ELCs) under the SBE’s oversight. The bill also seeks to create a VPK accountability system that looks at student outcomes, learning gains, and student-teacher interactions. Finally, the Commissioner of Education would develop a screening and progress monitoring system for VPK through third grade to assess VPK performance. The House version of the bill has completed three of four scheduled committee hearings, and the Senate companion has completed one of three.

**HB 1475 (Tuck) / SB 2012 (Stargel)** – Sex-specific Student Athletic Teams or Sports / Promoting Equality of Athletic Opportunity – reported favorably by the *Senate Health Policy Committee*. These bills would prohibit transgender females from participating in girls’ sports. The debates on these two bills have grown more contentious with each hearing, but they continue to move forward along party lines. Both bills have one more committee assignment remaining.

**CS/HB 337 (DeCeglie) / CS/SB 750 (Gruters)** – Impact Fees -- reported favorably by the *House Ways and Means Committee* and the *Senate Finance and Tax Committee*. The bill puts some restrictions on impact fees, particularly with respect to raising those fees any given year. If a fee is to increase less than 25%, it must be phased in over two years. If the fee will increase between 25 and 50%, it must be phased in over four years. No fee could increase more than 50% without engaging in a new study applying the rational nexus test. Finally, the CFO will need to sign an affidavit to include with the district’s annual financial audit report that all impact fee requirements were followed in the collection and expenditure of impact fees. Several amendments have been filed as these bills have moved forward to lessen the potential impact on school districts, including one this week in the Senate that would allow impact fees to be used to purchase school buses and necessary equipment for those buses. Both bills have one more committee assignment remaining in their respective chambers.

**SB 84 (Rodrigues)** – Retirement – reported favorably by *Senate Appropriations 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. The bill was amended to leave employees in the Special Class with the option to enroll in the pension plan, but it would not be open to teachers and other school board personnel hired after July 1, 2022. This was the bill’s second and final committee stop.

**HB 827 (Hawkins) / SB 918 (Bradley)**– School District Funding / Education – reported favorably by the *House Appropriations Committee*. The bill would require that the 80% bonus funding required to be distributed to the schools include programs administered by the University of Cambridge Local Examinations Syndicate, which prepares prospective students to enroll in AICE courses. In addition to the regular \$50 bonus paid to a teacher for each student successfully passing an AICE examination, a \$25 bonus would be paid to a pre-AICE teacher for each student who passes the pre-AICE examination. This was the third of three committee hearings for the House version, while the Senate companion still has two committee assignments to go.

**HB 5101 (Fine)** – Education Funding – reported favorably by the *House Appropriations Committee*. Among other things, this conforming bill 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. With respect to virtual schools, it would change the requirement that districts offer three public school virtual options to

just one that offers both part-time and full-time enrollment. 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.

**CS/CS/SB 86 (Baxley)** – Student Financial Aid – reported favorably by the *Senate Appropriations Committee*. This is the Bright Futures bill that may have generated more attention across the State than any other bill. The bill underwent yet another major rewrite during this third and final committee hearing. It now requires the Board of Governors (BOG) to create an online dashboard tracking post-graduate salary, student loan debt, and other information to help guide students. It also requires career planning and the development of a list of career certificate and degree programs that do not lead directly to employment. The latest version still changes the 75/100% funding model to whatever is annually appropriated by the Legislature. In its current version, no student would be banned from using Bright Futures for a particular major, and the language that could reduce the Bright Futures award based on accelerated credits received in high school and applied toward the student’s degree.

**HJR 1461 (Garrison)** – Prohibition on Compensation for Members of a District School Board – reported favorably by the *House Early Learning and Elementary Education*. This joint resolution would ask Florida voters to approve an amendment to the Florida Constitution whereby school board members would serve without compensation, like members of college and university boards of trustees. This was its second of three committee hearings.

**HB 1031 (Rodriguez) / SB 1468 (Gruters)** – Charter Schools – reported favorably by the *House Early Learning and Elementary Education Subcommittee*. This bill would allow charter schools to apply at any time during the calendar year and decide for themselves when they would open after approval. This was its second of four committee hearings. The Senate version has not received a committee hearing.

**CS/HB 429 (Learned and Maney) / CS/SB 938 (Wright)** – Purple Star Campuses – reported favorably by the *House Local Administration and Veterans Affairs Subcommittee*. The bill is designed to recognize schools that support children of military members and veterans. Schools would need to designate a staff member as their military liaison, put information on the school website specific for military families, create a transition program for military students, and offer professional development opportunities to staff members addressing issues related to military students. The House version was amended to add several new requirements to the Purple Star Campus Program, including three straight years of a school grade of A or B and the reservation of at least five percent of controlled open enrollment seats for military-connected students. Schools would also need to engage in multiple efforts to recognize and promote military-connected students.

**HB 1159 (Busatta Cabrera) / CS/SB 934 (Wright)** – Educator Preparation and Certification – reported favorably by the *House Post-Secondary Education and Lifelong Learning Subcommittee*. These bills would modify the core curricula for teacher preparation programs and Education Preparation Institutes (EPI) competency-based program requirements, remove the General Knowledge Test as a prerequisite for admission into a teacher preparation program,

address the shortage of qualified CTE teachers, provide that a master's degree or higher may demonstrate mastery of general knowledge, and modify and expand the reach and scope of the William Cecil Golden Professional Development Program for School Leaders. This was the second of three committee hearings in the House. The Senate version still has two more committee hearings to go.

**[HB 135 \(Robinson, W.\)](#) / **[CS/SB 532 \(Burgess\)](#)** – School District Career Center Workforce Education Programs – reported favorably by the *House Post-Secondary Education and Lifelong Learning Subcommittee*. The bill would allow district career centers to offer students an associate in applied science or associate in science degree program in nursing, but only students who had obtained an LPN from the center first would be eligible to participate in the program. This was the first of three committee hearings on the House version. The Senate version still has one more committee stop.**

**[CS/HB 835 \(Byrd\)](#) / **[CS/SB 1014 \(Baxley\)](#)** – Employee Organizations – reported favorably by the *House State Administration and Technology Appropriations Subcommittee*. Among other things, the bill would prohibit school districts from deducting union dues for instructional personnel. Instead, teachers would be required to pay their union dues directly. It also requires the union to obtain from members a signed statement in 14-point type that acknowledges that membership in the union is not mandatory. These bills have one more committee hearing to schedule in both the House and Senate.**

#### House Floor

**[HB 5 \(Zika\)](#) / **[SB 1450 \(Rodriguez\)](#)** – Civic Education Curriculum – The House passed this bill (115-0) and will now send it to the Senate. The Senate version still has one more committee hearing to schedule. This bill would require that the U.S. Government class required for high school graduation include comparative discussions of political ideologies that conflict with the freedom and democracy established in the United States. It also requires the DOE to develop oral history resources that can be used in the curriculum. This oral history program would be called the “Portraits in Patriotism Act.”**

**[SB 146 \(Brandes\)](#) / **[CS/HB 611 \(Diamond\)](#)** – Civic Education – Passed off the Senate floor previously. 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 House laid its bill on the table and proceeded with SB 146, which it then amended to match its language in HB 611, which would also establish a citizen scholar program at the University of South Florida. The House then passed SB 146, as amended, by a vote of 114-0, and it will now return to the Senate.**

**[HB 241 \(Grall\)](#) / **[CS/CS/SB 582 \(Rodrigues\)](#)** – Parents’ Bill of Rights – Passed by the House with a party-line vote of 78-37. The Senate version still has one committee hearing left, which is scheduled for April 6, 2021. This bill creates the “Parents’ Bill of Rights,” providing that no governmental entity can infringe upon these fundamental rights of a parent unless the action is**

reasonable, necessary, and narrowly-tailored in the service of a compelling state interest. There are too many rights spelled out to list them all here, but some of the enumerated rights that may give rise to issues in school districts based on differing interpretations of their meaning include:

- The right to direct the education and care of his or her minor child.
- The right, pursuant to s. 1002.20(13), to access and review all school records relating to his or her minor child.
- The right to consent in writing before the state or any of its political subdivisions makes a video or voice recording of his or her minor child [there are exceptions for recordings related to a legitimate academic or athletic activity, security videos, and photo identification cards].

School boards will also be required to adopt a policy, after consulting with parents, teachers, and administrators, that promotes parental involvement in the school system. There are several requirements regarding notice to parents about parental involvement, and the ultimate policy and parent information can be posted on the district's website.

#### Senate Floor

The Senate did not take up any of our tracked bills this week, but several are on the Special Order Calendar for April 7, 2021, including Bright Futures (SB 86), closing the FRS pension option to future employees (SB 84), and the appropriations bills (SB 2500 and 2502).