



To: Florida District School Superintendents  
From: Brian T. Moore, FADSS General Counsel  
Subject: FADSS Legislative Update – Week of April 19, 2021  
Date: Friday, April 23, 2021

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The Legislature completed the eighth of nine scheduled weeks for the 2021 Session. At this stage, some bills have completed the process and have been sent to or are awaiting sending to the Governor for action. While others are nearing the finish line, the main focus remains the K-12 budget, for which there has been no public resolution on any issues thus far.

### **2021-22 Fiscal Year Budget**

Members of the PreK-12 Budget Conference met Sunday afternoon to receive the House’s offer on the budget, and they then reconvened Monday to receive the Senate’s counteroffer. They reached a stalemate largely over the handling of federal COVID-19 relief dollars, which then resulted in them moving the entire PreK-12 budget up to the Appropriations Chairs for further action. Although nothing is set in stone, both offers were better overall than what originally passed each chamber, so we remain hopeful that the most recent revenue and enrollment estimates will have a positive effect on the final product.

### **Legislation -- Floor Action**

[\*\*CS/CS/HB3 \(Trabulsy\)\*\*](#) / [\*\*CS/SB 1372 \(Burgess\)\*\*](#) – [\*\*New Worlds Reading Initiative\*\*](#) – 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 will need to partner with local entities to help identify eligible students and spread the word about the program. The program includes students enrolled in charter schools. The bill was passed by the House unanimously and sent to the Senate. The Senate bill is on the Special Order Calendar for consideration on April 26<sup>th</sup>.

[\*\*HB 5 \(Zika\)\*\*](#) / [\*\*SB 1450 \(Rodriguez\)\*\*](#) – [\*\*Civic Education Curriculum\*\*](#) – 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.” The

House previously passed this bill and sent it to the Senate. The Senate bill is on the Special Order Calendar for consideration April 26th.

[CS/HB 7045 \(Fine\)](#) / [CS/CS/SB 48 \(Diaz\)](#) – School Choice – These bills seek to revamp all the school choice programs currently embodied in Gardiner, McKay, Family Empowerment Scholarships, Hope Scholarships, and the Florida Tax Credit Scholarship Program. The House passed its version along party lines 79-36, and it is now in the Senate. The Senate substituted the House bill on Special Order on April 22<sup>nd</sup>, and the bill is now awaiting final passage on Third Reading.

[CS/CS/HB 51 \(McClain\)](#) / [CS/CS/SB 1028 \(Hutson\)](#) – Charter Schools / Education – The House temporarily postponed hearing its bill on Special Order Calendar this week after it approved major amendments to the bill last week in its final committee stop. The House version no longer focuses on just charter schools. It still authorizes colleges and universities to sponsor charter schools, cleans up some of the charter application language, and more, but it now includes an eight-year term-limit for school board members beginning November 8, 2022. The Senate version was reported favorably, after it was amended to more closely track the House version, by the *Senate Appropriations Committee* this week. It was also heard on the Special Order Calendar yesterday and now awaits final passage on Third Reading.

[CS/CS/SB 52 \(Rodrigues\)](#) / [CS/HB 281 \(Duggan and Zika\)](#) – Postsecondary Education – These bills would provide dual enrollment scholarships for private and home school students, as well as public school students enrolled in summer courses. The Senate version passed last month and was sent to the House. The House version was reported favorably by *House Education and Employment Committee*, which was its fourth and final committee stop. It has not been placed on the calendar for consideration on the House floor yet.

[CS/SB 98 \(Albritton\)](#) – Workforce Related Programs and Services – reported favorably by the *Senate Appropriations Committee* after a committee substitute was approved to align this bill more with HB 1507 (below). For example, the committee substitute included both the money-back guarantee program and the new formula to replace the \$1,000 per industry certification earned. The bill on the Special Order Calendar for April 26, 2021.

[CS/CS/CS/HB 1507 \(Yarborough\)](#) – Workforce Related Programs and Services – passed by the House unanimously last week and referred to the Senate, but it did not get a committee hearing in the Senate this week. However, as mentioned above, SB 98 was amended to more closely align with this bill, and SB 98 is on the Special Order Calendar for April 26, 2021. This bill, which is entitled the Reimagining Education and Career Help (REACH) Act, would seek to live up to its name by completely redefining workforce education in the State of Florida, starting with the creation of an Office of Reimagining Education and Career Help in the Governor's Office.

Among other things, the bill would create a Money-Back Guarantee Program, whereby school districts would have to refund the cost of tuition to students who cannot find a job within six months of completing certain programs. It would also change workforce performance funding to be based on one-third of the funding determined by student job placement and two-thirds determined by the student's earnings with additional weight for underserved populations.

[CS/CS/HB 131 \(Duggan\)](#) / [CS/SB 1864 \(Perry\)](#) – Educator Conduct – 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. It was passed by the House last week and sent to the Senate. The Senate version was reported favorably by the *Senate Appropriations Committee* last week is awaiting placement on the Special Order Calendar.

[CS/HB 149 \(Dubose and Plasencia\)](#) / [CS/SB 192 \(Book\)](#) – Students with Disabilities in Public Schools – The bill would prohibit the use of seclusion in a school and impose greater restrictions on the use of restraints. The House passed its version unanimously and referred it to the Senate. The Senate version was reported favorably by the *Senate Appropriations Committee* and has been placed on the Special Order Calendar for April 26<sup>th</sup>.

[CS/HB 157 \(Hawkins and Busatta Cabrera\)](#) / [SB 280 \(Baxley\)](#) – K-12 Physical Health Requirements / Cardiopulmonary Resuscitation Training in Public Schools – 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. Both the House and the Senate have scheduled to hear this bill on their Special Order Calendars today.

[HB 173 \(Tant\)](#) / [SB 726 \(Taddeo\)](#) – IEP Requirements for Students with Disabilities – This is the bill that would start transition planning for students with disabilities earlier (7<sup>th</sup> grade) and requires that information about all transition services and options be shared with parents. After the *Senate Appropriations Committee* reported the Senate version favorably, both the House and Senate took up the bill on their Special Order Calendars. The House passed its version unanimously, and the Senate then substituted the House version for its version and also passed it unanimously. It will now be sent to the Governor for approval.

[CS/CS/SB 200 \(Berman\)](#) / [CS/HB 1025 \(Skidmore\)](#) – Student Retention – This bill would allow a parent to have their child retained at the conclusion of this school year. After further amendment, it now applies only to K-5 students, requires an academic reason for the retention, and requires collaboration with the principal and teachers. Unfortunately, it still leaves the final decision to the parent. So, the school can meet with the parent to explain why they might disagree, or they can agree to come up with a one-year plan to help the student return to grade level. However, the parent can reject both efforts and decide to retain their child. The bill was reported favorably by the *Senate Appropriations Committee*, which was its final committee stop. The House version received only one committee hearing.

Whether or not this bill passes, Superintendents need to be prepared for these requests. If it becomes law, the deadline for a parent to make the request is June 30, 2021. Even if it does not become law, we can expect many parents to make these requests regardless.

[HB 241 \(Grall\)](#) / [CS/CS/SB 582 \(Rodrigues\)](#) – Parents' Bill of Rights – The House passed its version of this bill two weeks ago. The Senate substituted the House bill, which then passed the Senate 24-15 and will now be sent to the Governor.

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 (this is the language that causes concerns for LGBTQ advocates).
- 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.

**HB 529 (Fine) / CS/SB 282 (Baxley)** – Moments of Silence in Public Schools – 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. The House approved HB 529 last month. The Senate Rules Committee took up the House version last week and reported it favorably. The Senate then passed the House version 32-6, and the bill will now go to the Governor.

**CS/CS/CS/HB 337 (DeCeglie) / CS/CS/CS/SB 750 (Gruters)** – Impact Fees – 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. Several amendments have been approved as these bills moved forward to lessen the potential impact on school districts, including one that would allow impact fees to be used to purchase school buses and necessary equipment for those buses. The House passed its version of the bill on Wednesday, and the Senate then substituted the House version for its own. It is now awaiting final passage on Third Reading.

**SB 358 (Berman) / HB 1119 (Daley)** – Water Safety and Swimming Certification for K-12 Students – These bills require school districts to provide parents of new, enrolling students with information about low cost swimming certification options in the area. The Senate passed its version unanimously and sent it to the House. The House version has received only one committee hearing so far but did have one committee reference removed.

**CS/CS/SB 366 (Hutson) / CS/CS/HB 791 (Harding)** – Education Opportunities Leading to Employment – The bill seeks to improve and expand upon apprenticeship and pre-apprenticeship

programs in the state’s career and technical education (CTE) system. Among other things, the bill establishes that students in a pre-apprenticeship program or a course that includes a work-based component are considered state employees for worker’s compensation purposes (medical benefits only). The Senate passed its version of the bill unanimously and sent it to the House. The House version was reported favorably by the *House Education and Employment Committee*, which was its final committee stop in the House.

**CS/CS/HB 383 (Plasencia) / CS/SB 590 (Harrell)** – Involuntary Examination of Minors / School Safety – These bills address the involuntary examination of minors (Baker Act), although the Senate approved several amendments and changed the title to School Safety before unanimously passing the bill. Both bills 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. The Senate version now requires timely notification of parents of “threats, unlawful acts, and significant emergencies pursuant to s. 1006.07(4) and (7)” and a “right to access school safety and discipline incidents as reported pursuant to s. 1006.07(9).” Significant emergencies include weapon “possession or use when there is intended harm towards another person, hostage, and active assailant situations; . . . murder, homicide, or manslaughter; sex offenses . . . ; natural emergencies . . . ; and exposure as a result of a manmade emergency.” The Senate version also now requires a board policy directing Superintendents to report annually to the DOE the number of Baker Acts initiated at school or school activities.

Thus, the Senate version now shares much more in common with HB 7035 (below) than HB 383. However, the Senate did not wait for HB 7035 and substitute it for this bill. Instead, it passed SB 590 unanimously and sent it to the House at the same time the House was unanimously approving HB 7035 and sending it to the Senate, which means each chamber now has the other chamber’s safety bill.

**CS/SB 410 (Rodriguez) / CS/CS/HB 545 (Chaney)** – Reproductive Health and Disease Education (fka Materials Harmful to Minors) – These bills require districts to notify parents of their right to make a written request to exempt their child from certain reproductive health instruction. They also require sex education curriculum be approved annually by the School Board. The House heard its version on Special Order Calendar this week, and it now awaits final passage on Third Reading. The Senate version was reported favorably by the Senate Rules Committee and placed on the Special Order Calendar.

**CS/HB 419 (Grall) / CS/SB 1282 (Harrell)** – Early Learning and Early Grade Success – reported favorably by the *Senate Appropriations Subcommittee on Education*. These bills would change the way early learning is governed in the State of Florida, but following a strike-all amendment approved in the Senate this week, they would accomplish this in different ways. Both versions seek to consolidate responsibility under one entity. In the House, the bill would repeal the Office of Early Learning (OEL) and replace it with a Division of Early Learning within the DOE. This would then provide the State Board of Education (SBE) with rulemaking and oversight authority over both the voluntary prekindergarten (VPK) and school readiness programs. The House version also 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. Both bills also seek to create a VPK accountability system that looks at student outcomes, learning gains, and student-teacher interactions. In the House version the Commissioner of Education would develop a screening and progress monitoring system for VPK through third grade to assess VPK performance. In the new Senate version, the OEL would remain in place, but OEL would assume most of the responsibilities assigned to the DOE in the House version (e.g., transfer of Gold Seal Quality Care Program from DCF to OEL). The House bill passed unanimously and has been sent to the Senate. The Senate bill is on the Special Order Calendar for April 26<sup>th</sup>.

[CS/CS/CS/HB 429](#) (**Learned and Maney**) / [CS/CS/SB 938](#) (**Wright**) – Purple Star Campuses – The bill is designed to recognize schools that support children of military members and veterans. . The House version completed its committee process last week and was heard on the Special Order Calendar this week. It now awaits a third reading. The Senate bill is on the Special Order Calendar for April 26<sup>th</sup>.

[CS/SB 486](#) (**Bradley**) / [CS/HB 723](#) (**Massullo**) – Juvenile Justice Education Programs - 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. The House unanimously approved its version of the bill last week and referred it to the Senate. The Senate bill is on the Special Order Calendar for April 26<sup>th</sup>.

[CS/CS/HB 507](#) (**Rizo**) / [CS/CS/SB 1108](#) (**Diaz**) – Education – 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. The Senate passed its version unanimously and sent it to the House. The House version completed the committee process this week, being reported favorably by the *House Education and Employment Committee*.

[CS/HB 519](#) (**Yarborough**) / [CS/SB 1094](#) (**Bean**) – Required Health Education Instruction – The bill requires that health education be age and developmentally-appropriate and that it include information on preventing child sexual abuse, exploitation, and human trafficking. Additionally, abstinence and teen pregnancy instruction is limited to grades 6-12. The House approved its version unanimously last week. The Senate bill is on the Special Order Calendar for April 26<sup>th</sup>..

[HB 827](#) (**Hawkins**) / [SB 918](#) (**Bradley**)– School District Funding / Education – 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. The House

passed its version unanimously, and the Senate then substituted the House version for its own and also approved it unanimously. It will now be sent to the Governor.

**CS/CS/SB 934 (Wright) / CS/HB 1159 (Busatta Cabrera)** – Educator Preparation and Certification / Education – 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. With the latest amendments approved in the Senate, the Senate version would also allow advisory committees to meet virtually instead of in a physical place, and it would allow high performing districts to provide two days of virtual instruction as part of the 180 required days. The House passed its version unanimously this week, and the Senate bill is on the Special Order Calendar for April 26<sup>th</sup>.

**CS/CS/HJR 1461 (Garrison)** – Limitation on Terms of Office for Members of a District School Board (fka Prohibition on Compensation for Members of a District School Board) – This joint resolution was amended to become an eight-year term limit resolution rather than a prohibition against paying school board members. It passed the House 87-30 and was sent to the Senate. A similar proposal in the Senate did not receive a single committee hearing.

**CS/HB 1505 (Melo)** – Workforce Programs and Services – This bill seeks to create a “consumer-first,” “performance-based” workforce system with the DEO collaborating with both DCF and DOE in this effort. With respect to K-12 students, the bill requires that the middle school career and education planning course include state career planning resources and that the character development program for grades 9-12 include instruction on developing a digital resume, researching career pathways, and learning how to use state career planning resources. It passed in the House unanimously last week and was referred to the Senate, but there is no direct Senate companion.

**HB 1635 (Ingoglia)** – Hernando County School District, Hernando County – Repeals resolution of School Board of Hernando County providing for appointed superintendent of schools; provides for an elected superintendent of schools & referendum. The bill was reported favorably by the House State Affairs Committee and immediately added to the Special Order Calendar. It now awaits final passage on Third Reading.

**HB 7033 / SB 1816 (Rouson)** – Task Force on Closing the Achievement Gap for Boys – 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 recommendations 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. The House passed its version unanimously and sent it to the Senate. The Senate bill is on the Special Order Calendar for April 26, 2021.

**CS/HB 7011 / SB 1898 (Rodriguez)** – Student Literacy – This bill seeks to create new systems of support for students with substantial deficiencies in reading, allowing them to be identified as early as possible, and providing them with teachers and parents able to provide effective instruction and interventions. It would also require that a progress monitoring system covering VPK through 8<sup>th</sup> grade be created beginning in August of 2022. In addition, it creates the Reading Achievement Initiative for Scholastic Excellence (RAISE) Program, which will establish 20 regional literacy expert support teams throughout the state. To support the initiatives, the bill would enhance educator training, create a new route to the reading endorsement, require the Just Read, Florida! Office to identify instructional materials that implement evidence-based practices, and require Districts to support parents by keeping them up-to-date on their student’s progress with interventions and making them fully aware of all systems of support available in Florida for students with disabilities (e.g., ESE options, school choice options). One of the main goals of the bill is to better align the transition from prekindergarten to kindergarten. The House passed its version of the bill unanimously this week, and the Senate version is on the Special Order Calendar for April 26, 2021.

**CS/HB 7035 (LaMarca)** – School Safety – This bill is very similar to a school safety bill that made it through the House last year but not the Senate. Most of the discussion has focused on common sense measures like making sure schools have a family reunification plan and seeking to address mental health issues. However, of specific interest to Superintendents is language that would empower the Office of Safe Schools to determine that a district was not in full compliance with all school safety laws, which would then require the school board to withhold the Superintendent’s salary. There is no language in the bill about a process to challenge this decision or for determining when the salary will be restored. Meanwhile, if a charter school is not complying with all of the laws, the Commissioner must facilitate compliance by making recommendations to the school board sponsor to fix the problem, which means the districts likely will have to take measures to fix the charter’s problems complying with the law. As discussed above with the changes made to SB 590, the bill also requires “timely” notification of parents of all events affecting the health, safety, or welfare of students. Finally, the bill requires districts to pay for and provide a law enforcement officer (SRO or school board officer) to a charter school that is unable to obtain its own officer or guardian. With the shortage of police officers across the state, if the local sheriff or police department cannot provide another deputy or officer for the charter school, the district may need to remove one from a traditional public school to assign to the charter even if the charter has only 75 students. The bill passed the House unanimously and has been sent to the Senate.

### **The Week Ahead**

FADSS will host the second of three regional conferences on Monday, April 26, 2021, in Marion County. Meanwhile, all eyes in Tallahassee and throughout the State will be on the budget process and seeing whether the Legislature will finish its work on time or have to extend this year’s session.