



To: Florida District School Superintendents  
From: Brian T. Moore, FADSS General Counsel  
Subject: FADSS Legislative Update – Week of March 6, 2023  
Date: Friday, March 10, 2023

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This week marked the start of the 2023 Legislative Session. Governor DeSantis provided his State of the State address to the Legislature on March 7, 2023, and both the Senate President and Speaker of the House also provided opening remarks to start the session. In addition, unlike the pre-session committee meetings that focused more on reports and updates than bills, multiple bills that may have an impact on districts were heard in various committees.

As a reminder, FADSS has a spreadsheet that separates all of the tracked bills into categories for superintendents and their teams to review. This week, it has been updated so that only bills that have received at least one committee hearing have been highlighted. [The chart can be accessed here.](#) Also, we will be preparing and sending you a quick talking-points guide for your visits with your local representative(s) and senator(s). It should be available by the end of the day or early next week at the latest.

### **Bills Heard in Committee**

#### **Senate Education Pre-K – 12 Committee (March 6, 2023)**

All six of the bills discussed in last week's update were reported favorably by the Senate *Education Pre-K – 12 Committee*. A short reminder about each of these bills is set forth below, but please refer to last week's update for more details about these bills.

#### **[SB 196 \(Jones\)](#) / [HB 141 \(Arrington\)](#) – Guidance Services on Academic and Career Planning**

This bill would expand the notice to parents of incoming high school students to include information about academic and career planning options other than accelerated options like IB or AICE. The bill also includes language that would require a middle-school student's personalized academic and career plan be "developed in consultation with a certified school counselor." The bill does not explain what "developed in consultation with" means. It was reported favorably with a unanimous vote.

*Concerns:* In the absence of clarity about what “developed in consultation with” means, it is not clear that there are enough certified school counselors to meet this new requirement.

**[SB 244 \(Calatayud\)](#)** – K-12 Teachers (Teachers’ Bill of Rights)

Modeled after the Parents’ Bill of Rights that created Chapter 1014, Florida Statutes, two years ago, this bill would pull several provisions from the Education Code related to teachers and reprint them in a separate Chapter (Chapter 1015) under the title “Teachers’ Bill of Rights.” In addition, the bill would create a scholarship program for high school teachers who wish to obtain advanced degrees so that they can teach dual enrollment courses on campus, and it would also create a teacher apprenticeship program. SB 244 was reported favorably with a unanimous vote.

**[SB 294 \(Rodriguez\)](#) / [HB 287 \(Plascencia\)](#)** – Required Instruction in the History of Asian Americans and Pacific Islanders

These bills would add a new topic of required instruction – the “history of Asian Americans and Pacific Islanders, including the immigration, citizenship, civil rights, identity, and culture of Asian Americans and Pacific Islanders to American society.” SB 294 was reported favorably with a unanimous vote.

**[SB 308 \(Collins\)](#) / [CS/HB 225 \(Hawkins/Canady\)](#)** – Interscholastic and Intrascholastic Activities

These bills would allow additional athletic associations to operate if approved by the State Board of Education (SBE). Both versions of the bills have now been amended to change the governance structure of the FHSAA to a smaller board of directors with all of its members appointed by the Governor rather than elected by the member schools from different regions. SB 308 was reported favorably with a vote along party lines.

**[SB 478 \(Perry\)](#) / [HB 703 \(Garcia\)](#)** – Early Childhood Music Education Incentive Program

These bills would convert the Early Childhood Music Education Incentive Program from pilot status to permanent. SB 478 was reported favorably by unanimous vote.

**[SB 636 \(Simon\)](#) / [CS/HB 19 \(Tant\)](#)** – Individual Education Plans

These bills require schools to provide students and their parents at IEP meetings with information about what happens with legal rights and responsibilities when the student turns 18. SB 636 was reported favorably by unanimous vote.

**Senate Judiciary Committee (March 7, 2023)**

**[SB 662 \(Bradley\)](#) / [HB 699 \(Koster\)](#)** – Student Online Personal Information Protection

These bills would create the “Student Online Personal Information Protection Act.” They would prohibit online education sites from:

- Engaging in targeted advertising if it is based on unique student information obtained from the student’s use of the service,
- Using information obtained to create a student profile for anything other than K-12 school purposes,
- Sharing or selling student information,
- Disclosing covered information to anyone, with limited exceptions.

The bills also prohibit these online education sites from collecting any covered information other than what is reasonably necessary, and they must have reasonable security procedures and practices. SB 662 was reported favorably.

#### Senate Ethics and Elections Committee (March 7, 2023)

##### [SB 444 \(Ingoglia\)](#) / [HB 411 \(Steele\)](#) – District School Board Elections

These bills would change the requirement that candidates for school board reside within their district at the time of qualification and instead make the requirement effective when they take office. SB 444 was reported favorably with a vote of 7-3 along party lines.

#### Senate Military and Veterans Affairs, Space, and Domestic Security (March 7, 2023)

##### [SB 348 \(Hooper\)](#) / [HB 289 \(Anderson\)](#) – 9/11 Heroes Day

These bills would proclaim September 11<sup>th</sup> to be “9/11 Heroes Day,” which would be observed in public schools. It would also require students in Civics and U.S. Government classes to receive at least 45 minutes of instruction about the events of September 11, 2001, and the historical context of global terrorism. Finally, it would require the State Board of Education (SBE) to revise Social Studies standards to include these topics in both the Civics and U.S. Government courses. SB 348 was reported favorably by unanimous vote.

#### Senate Government Oversight and Accountability (March 7, 2023)

##### [SB 256 \(Ingoglia\)](#) / [HB 1445 \(Black\)](#) – Employee Organizations Representing Public Employees

These bills, among other things, would prohibit most public-sector unions (the bills exclude law enforcement and firefighter unions) from collecting their dues through payroll deductions. There are also certain reporting requirements for the unions, which the Public Employee Relations Commission (PERC) can investigate. The unions would also be prohibited from

distributing literature at schools. Finally, if a public-sector union has its membership drop below 60% in any given year, the union will have to petition PERC for recertification.

SB 256 was reported favorably with a 5-3 vote along party lines after it was amended to remove the prohibition against distributing literature at school.

#### House Ethics, Elections and Open Government Subcommittee (March 8, 2023)

[HJR 31 \(Roach and Sirois\)](#) / [SJR 94 \(Gruters\)](#) – Partisan Election of Members of District School Boards

These bills seek to amend the state constitution to make school board elections become partisan races. If passed, the measure would go to the ballot for voter approval in 2024. It was reported favorably with a 12-5 vote along party lines.

[SB 444 \(Ingolia\)](#) / [HB 411 \(Steele\)](#) – District School Board Elections

See above. The House version was reported favorably.

#### House Education & Employment Committee (March 8, 2023)

[CS/CS/CS/HB 1 \(Tuck and Plascencia\)](#) / [CS/SB 202 \(Simon\)](#) – School Choice (Universal Vouchers and Deregulation)

There were multiple amendments filed to HB 1, including one that would incorporate most of the deregulatory provisions included in SB 202. That particular amendment was withdrawn due to House rules, but it is supposed to be heard today instead in the House *Education Quality Subcommittee*. Thus, it does appear that both the House and Senate will be moving forward with some deregulation measures and explicit instructions to the DOE to recommend significant reductions in statutory requirements before the end of the year. The bill was reported favorably with a vote largely along party lines. This was supposed to be its third and final committee hearing, but it will get a fourth hearing today so that the deregulation provisions can be added.

[SB 636 \(Simon\)](#) / [CS/HB 19 \(Tant\)](#) – Individual Education Plans

See above. The House version was also reported favorably this week.

[SB 308 \(Collins\)](#) / [CS/HB 225 \(Hawkins/Canady\)](#) – Interscholastic and Intrascholastic Activities

See above. The House version was reported favorably in its second of two scheduled committee stops. It will now proceed to the House floor.

[HB 249 \(Trabulsy\)](#) / [SB 676 \(Grall\)](#) – Level 2 Background Screenings

These bills offer multiple tweaks to the background check / clearinghouse provisions adopted last year. The most significant language for school districts is the deletion of the disqualifying offenses from section 1012.315 and instead a reference to the offenses listed in section 435.04, which is nearly identical. The House version was reported favorably, and the Senate version will receive its first committee hearing on March 13, 2023.

[HB 477 \(Rizo\)](#) / [SB 1110 \(Ingoglia\)](#) – Term Limits for District School Board Members

These bills would reduce the term limits for school board members from twelve (12) years to eight (8). The House version was reported favorably along party lines.

House Judiciary Committee (March 8, 2023)

[CS/CS/HB 837 \(Gregory and Fabricio\)](#) / [SB 236 \(Hutson\)](#) – Civil Remedies

These bills attempt to accomplish tort reform with limits on attorneys fees, statutes of limitations, contributory negligence, and more. I will not spend a lot of time on this bill, but it could result in significant savings to district legal expenses. You may wish to share with your board attorney or risk manager. The House version was reported favorably and will now go to the House floor.

Senate Appropriations Committee on Education (March 8, 2023)

[CS/CS/CS/HB 1 \(Tuck and Plascencia\)](#) / [CS/SB 202 \(Simon\)](#) – School Choice (Universal Vouchers and Deregulation)

See above. Reported favorably along party lines.

Senate Rules Committee (March 8, 2023)

[CS/SB 190 \(Grall\)](#) / [HB 259 \(Brackett\)](#) – Interscholastic Extracurricular Activities

These bills would allow charter school students to make arrangements to participate at a private school. The Senate version was reported favorably, completing the committee process. It will now go to the Senate floor.

House Choice & Innovation Subcommittee (March 9, 2023)

[CS/SB 190 \(Grall\)](#) / [HB 259 \(Brackett\)](#) – Interscholastic Extracurricular Activities

See above. HB 259 was reported favorably. While the Senate version has completed the committee process, the House version still has two committee stops left. This language has also been incorporated into the FHSAA bills in both the House and Senate.

[HB 733 \(Temple\)](#) / [SB 1112 \(Burgess\)](#) – Middle School and High School Start Times

These bills would prohibit middle schools from starting before 8:00 am and high schools before 8:30 am, beginning no later than July 1, 2026. Speaker Renner specifically identified this bill as a legislative priority and called it a “zero cost” way to improve student performance and mental well-being. Those districts that already start the day with elementary school probably would not be affected much by this bill, but most districts currently start high school before 8:30 am. If this bill passes, they will need to either push back all school starting times or make elementary schools be the first schools to start in the morning. HB 733 was reported favorably with only one vote against it.

[CS/SB 52 \(Burgess\)](#) / [CS/HB 379 \(Yeager\)](#) – Student Use of Social Media Platforms.

Although not identical, these bills would both require district schools to instruct students on social media and prohibit the use of social media applications on district-owned devices or through district servers. The Senate version does not currently address district employees using social media applications, but the House version would apply to all district-owned devices and networks. Also, the House version specifically prohibits TikTok by name, and it allows teachers to collect wireless communication devices from students at the start of class. HB 379 received unanimous support and was reported favorably.

House PreK-12 Appropriations Subcommittee (March 9, 2023)

[CS/HB 223 \(Bartleman\)](#) / [SB 290 \(Jones\)](#) – Public School Student Progression for Students with Disabilities

These bills would allow the parent of a pre-K ESE student to retain the student in pre-K at age 4 in consultation with the IEP team. Those students who are retained at age 4 must then receive instruction in early literacy skills. HB 223 was reported favorably and has one committee stop remaining. The Senate version has not received a committee hearing yet.

Senate Fiscal Policy Committee (March 9, 2023)

[SB 150 \(Collins\)](#) / [HB 543 \(Brannan and Payne\)](#) – Public Safety (concealed carry and Safe Schools)

The primary focus of these bills is to allow people to carry concealed weapons without needing a concealed weapon permit or license. The bills do not change the prohibition against

possessing weapons, concealed or not, on school grounds. However, there are also some safe school provisions included in the bills. For example, they would allow private schools to hire safe schools officers and participate in the guardian program. The bills also require the Office of Safe Schools to “develop a statewide behavioral threat management operational process to guide school districts . . . through the threat management process. The process must be designed to identify, assess, manage, and monitor potential and real threats to schools.” This will include establishing the duties of threat management teams, using a Florida-specific threat management instrument, creating a statewide threat management portal, methods of continued monitoring of specific threats, and more. Finally, the bills would also create a Florida Safe Schools Canine Program to produce more firearm-detecting canines for schools to employ. SB 150 was reported favorably with a vote along party lines.

### **Upcoming Committee Meetings**

Several bills are being heard right now as this update is being sent out. The complete schedule for next week is not yet available, but it is expected that several of the bills discussed today will receive another hearing next week, and there may even be some action on the House or Senate floor for some of the higher priority bills.

#### **House Education Quality Subcommittee (March 10, 2023)**

**[CS/CS/CS/HB 1 \(Tuck and Plascencia\)](#) / [CS/SB 202 \(Simon\)](#)** – School Choice (Universal Vouchers and Deregulation)

See above. If approved today, HB 1 will proceed to the House floor, perhaps as early as next week, and it will have many of the same deregulation provisions as SB 202, which still has one committee stop left.

**[HB 1035 \(Gonzalez Pittman\)](#)** – Teacher Training and Conduct

This bill requires the Commissioner of Education to review all teacher training requirements in federal and state law, as well as State Board rule or local district policy. He would then be required to “eliminate any classroom teacher training requirements not required by federal or state law.” The bill also creates a special magistrate process, similar to the one from HB 1557 last year and also paid for by the district, for teachers to challenge district procedures or practices. Finally, the bill establishes that there is a rebuttable presumption in any legal proceeding that a teacher’s (or principal’s or bus driver’s) actions, except in the cases of excessive force or cruel and unusual punishment, were necessary to restore or maintain safety or the educational atmosphere.

**[HB 1223 \(Anderson\)](#) / [HB 1069 \(McClain\)](#) / [SB 1320 \(Yarborough\)](#)** – Child Protection in Public Schools

As discussed last week, these bills would expand upon last year's HB 1467 (books) and HB 1557 (LGBTQ). HB 1223 is focused more on the expansion of HB 1557, while HB 1069 has more provisions expanding HB 1467. The Senate version incorporates both.

HB 1069 has been referred to only two committees. If approved today, it will next move to the House *Education and Employment Committee*.

[HB 633 \(Salzman\)](#) / [SB 1236 \(Wright\)](#) – Class Size

As originally drafted, these bills would significantly reduce the penalty for non-compliance with class size requirements. There is a proposed amendment to the House version that would eliminate all penalties and leave only the requirement that districts report to the DOE how they intend to resolve the issue before the next October survey.

[PCB EQS 23-01](#) – Student Outcomes

This bill largely focuses on reading and reading strategies. It will be summarized in more detail once it has a bill number and starts moving forward.

House Local Administration, Federal Affairs & Special Districts Subcommittee (March 10, 2023)

[HB 773 \(Holcomb\)](#) – Hernando County School District

This bill would repeal the school board's decision to switch from elected to appointed superintendent and put the issue before the voters in 2024.