



To: Florida District School Superintendents  
From: Brian T. Moore, FADSS General Counsel  
Subject: FADSS Legislative Update – Week of March 13, 2023  
Date: Friday, March 17, 2023

---

The Legislature completed its second week of the 2023 Legislative Session without slowing down.

As a reminder, FADSS has a spreadsheet that separates all of the tracked bills into categories for superintendents and their teams to review. We will continue to update it to highlight those bills that are moving. [The chart can be accessed here.](#) Also, we will once again be preparing and sending you a quick talking-points guide for your visits with your local representative(s) and senator(s). This week we will probably be focusing on school choice and sovereign immunity.

#### **Bills Heard on the House or Senate Floor**

Several bills that we are tracking have completed the committee process and headed to the House and Senate floors this week. Several of the House bills discussed below may go for a final vote on third reading later today.

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

HB 1 completed the committee process last Friday after being amended for the fourth time. It now includes some of the deregulation language included in SB 202, including the waiver of cost per student station requirements for several years, removing the online course requirement for graduation, and allowing for more transportation flexibility. The language that made it easier for people to obtain a temporary teaching certificate was significantly modified, where it would now allow a teacher to satisfy mastery of general knowledge if they have three consecutive years of effective or highly effective evaluations, and they would not need to take the professional education competency exam if they had the same three years of effective or highly effective evaluations (they would still need to complete the professional preparation classes and professional preparation and education competence program).

The House took up HB 1 on the House floor this week, where it rejected numerous amendments filed by Democrat lawmakers. The amendments focused on the voucher program, not the deregulation language. Both bills now require the State Board of Education (SBE) to “develop and recommend . . . for adoption during the 2024 legislative session repeals and revisions to the Florida Early Learning-20 Education Code, chapters 1000-1013, Florida Statutes, to reduce regulation of public schools.” The SBE is required to “consider input” from multiple stakeholders, including teachers, superintendents, and administrators. As of March 16, 2023, it was awaiting a final vote on its third and final reading.

SB 202 received its third and final committee hearing in the Senate *Appropriations Committee*. The committee approved a strike-all amendment to the bill to align it with the language approved in the House. Thus, it no longer has language about salary schedule flexibility, but the promise was made that this would appear in a different bill. SB 202 will now go to the Senate floor for consideration.

#### [CS/CS/HB 225 \(Hawkins/Canady\)](#) / [CS/SB 308 \(Collins\)](#) – Interscholastic and Intrasccholastic 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. Additionally, both of these bills now incorporate the provisions from HB 259 and SB 190, which would allow a charter school student to play sports for a private school.

The House took up the bill on second reading, and the only amendment proposed was withdrawn. It will now move to its third and final reading. On the Senate side, the bill was not heard this week, but it did have one of its committee assignments removed, leaving it with just one committee stop left.

#### [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 heard the bill on second reading this week, and it now awaits its third and final reading. SB 1110 will receive its first committee hearing on March 21, 2023.

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

These bills attempt to accomplish tort reform with limits on attorney 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 for their input.

The House took up the bill on second reading this week and approved one amendment. Meanwhile, both the Senate *Judiciary* and Senate *Fiscal Policy Committees* took up the bill and reported it favorably with some amendments, and it will now head to the Senate floor as well.

## **Bills Heard in Committee**

### **High Impact Legislation**

Despite all of the discussion about deregulating traditional public schools and seeking a more level playing field on which they can compete, there are numerous bills being considered this year that could cause a significant impact on district operations or finances, particularly those that add new reporting or instructional requirements without adding additional funds or time within the instructional day to implement them.

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

These bills 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 bills also include 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.

Neither the House nor Senate took up this bill this week, but an amended version of the Senate bill was amended into SB 240, which is discussed below. The Senate language would now require that districts provide students and parents with the contact information for a certified school counselor who can advise them on the various options, but it does not require that every middle school student develop a plan "in consultation with" a certified school counselor.

*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.

#### **[CS/SB 240 \(Hutson\)](#)** – Education (CTE, workforce, CAPE)

This bill received its first of two scheduled committee hearings this week and was reported favorably by the Senate's *Education Pre-K – 12 Committee* with an amendment to include most of the provisions from SB 196. As I have mentioned recently, this expansive 71-page bill covers numerous workforce and CTE topics and should be reviewed by your CTE experts. Until I can digest it more fully, I will copy and paste the Senate's [most recent summary](#) of the bill:

- CS/SB 240 provides supports for district school boards, Florida College System institutions (state colleges), and other stakeholders in Florida's workforce development system to provide students with high-quality career and technical education (CTE) and other workforce education programs.
- The bill supports CTE for middle and high school students. Specifically, the bill:

- Provides \$100 million for district school boards and colleges to fund the creation or expansion of CTE programs that serve secondary students.
- Authorizes secondary CTE programs to be funded according to the cost of the programs.
- Removes limitations on bonus funding for middle school students in CTE programs.
- Provides additional bonus funding within the Florida Education Finance Program for select achievements in CTE.
- The bill supports CTE pathways for students. Specifically, the bill:
  - Adds continuity through controlled open enrollment for middle school students to continue their CTE programs in high school.
  - Enhances career and academic plans by requiring them to be updated and requiring parents to be provided information about CTE opportunities and benefits for students.
  - Expands options for students to earn credit through extracurricular participation in career and technical student organizations.
- The bill strengthens opportunities for students to engage in work-based learning by:
  - Establishing regional education and industry consortia to meet and report to local workforce development boards the most effective ways to grow, retain, and attract talent.
  - Requiring each district school board to provide all students enrolled in grades 9 through 12 with at least one work-based learning opportunity.
- The bill provides flexibility for district school boards in recruiting CTE teachers. The bill:
  - Provides discretion to district school boards to certify instructors to teach CTE programs.
  - Requires school boards to give teachers credit toward continuing education requirements for supporting students in extracurricular CTE activities.
- The bill provides flexibility in the administration of workforce development by:
  - Restoring decision-making authority to the Department of Economic Opportunity to seek federal waivers as necessary and also to establish minimum requirements for eligible training providers of workforce development programs.
  - Restoring to district school boards and state colleges the responsibility for approving workforce education programs that have a statewide curriculum framework developed by the Department of Education.
- The bill provides flexibility for the Credentials Review Committee (Committee) in designating credentials of value. The bill:
  - Authorizes the Committee to consider both information provided by the Labor Market Statistics Center within the Department of Economic Opportunity related to short-term demand and long-term data of the Labor Market Estimating

Conference as factors in the development of the criteria for identifying credentials of value.

- Removes the requirement for the Committee to develop a returned-value performance funding formula for colleges and career centers.
- The bill enhances the CAPE Industry Certification Funding List (Funding List), which is used to incent credentials of value for CTE programs. The bill:
  - Provides flexibility to CTE programs to choose the courses in which students may earn industry certifications identified in the Funding List.
  - Requires the State Board of Education to adopt three funding tiers for postsecondary certifications on the Funding List according to anticipated wages.
- The bill also provides flexibility in the administration of certain state financial aid and grant programs.
- The bill takes effect July 1, 2023.

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

These bills would add another new topic of required instruction for traditional public schools – 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.” HB 287 received its first committee hearing and was reported favorably by the *Education Quality Subcommittee*. It has two committee stops left. SB 294 also has two additional committee stops left but was not heard this week.

[CS/HB 289 \(Anderson\)](#) / [SB 348 \(Hooper\)](#) – 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, beginning in the 2023-24 school year, 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. HB 289 was reported favorably by the *Education Quality Subcommittee*. It still has two committee stops left. SB 348 was not heard this week and also has two committee stops left.

[CS/HB 379 \(Yeager\)](#) / [CS/CS/SB 52 \(Burgess\)](#) – 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 most recent version of SB 52, which was reported favorably by the Senate *Appropriations Committee on Education*, has been simplified. It would require instruction on the social, emotional, and physical effects of social media for students in grades 6-12. It tasks the DOE to make online material available for use, and districts would be required

to notify parents about the availability of the material. Next, SB 52 would prohibit students from using wireless communication devices during instructional time, and it would allow teachers to collect those devices during instructional time. Finally, SB 52 would require districts to “prohibit and prevent” students from accessing social media platforms from district servers, with an exception for CTE course instruction which might require accessing such platforms.

The Senate version does not 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. Like the current Senate version, it also allows teachers to collect wireless communication devices from students at the start of class. HB 379 completed the committee process this week when it was reported favorably by the House *Education and Employment Committee*.

[CS/HB 401 \(Beltran\)](#) / [SB 604 \(Gruters\)](#) – **Sovereign Immunity**. Currently, there is a limit on tort recovery against the state and its political subdivisions of \$200,000 individually and \$300,000 in the aggregate. Last year, both the House and Senate heard bills that would raise these thresholds, but neither made it to the finish line.

The House version of the bill, which was scheduled to receive its second committee hearing this week, would set new sovereign immunity limits of \$2.5 million per individual and \$5 million per occurrence. An amendment has been filed by the sponsor to add that these amounts would then be adjusted every five years based on the Consumer Price Index (CPI). However, the House *Appropriations Committee* temporarily postponed hearing the bill this week, so it still has two committee stops in the House to complete.

The Senate version would double the current limits to \$400,000/\$600,000 but would also have those limits adjusted annually based on the CPI. The Senate version has not yet been scheduled for a committee hearing.

*Concerns:* These issues have been addressed at length before, but it is worth remembering that school districts cannot raise taxes to meet unexpected costs. District revenue is fixed by the Legislature. If it passes a law to raise the cost of participation in FRS, the district will have to pay for the added cost by taking money from somewhere else. If the Legislature changes sovereign immunity and causes increased litigation, increased payouts, and increased insurance costs, the money to pay for that will have to come from somewhere else within the district’s budget. With the vast majority of a district’s expenditures being in the schools and classrooms, it will be nearly impossible for a district to pay for these added costs imposed by the Legislature without it affecting teaching and learning.

[CS/HB 551 \(Benjamin and Fine\)](#) / [SB 804 \(Simon\)](#) – **Required African-American Instruction**

These bills add a new layer of bureaucracy for the required instruction statute that applies only to traditional public schools. They would require school districts to certify and provide evidence annually to the DOE “in a manner prescribed by the department” showing that they

complied with the requirements of section 1003.42(2)(h). There are no parameters included to guide or limit the DOE in what it may require of districts in this process.

In addition, HB 551 includes language that applies to all 20 of the required instruction topics included in section 1003.42. It would require each district to submit an implementation plan to the Commissioner of Education and post the plan on the district website. The implementation plan must include:

- The methods in which instruction will be delivered for each grade level,
- The professional qualifications of the instructional personnel, and
- A description of the instructional materials.

The Commissioner must then notify a district if he believes the implementation plan does not meet the requirements of statute or rule, giving districts 45 days to submit a revised plan. Finally, the bill would give the State Board of Education full enforcement authority over any failures to comply with section 1003.42(2) or any SBE rules adopted pursuant to it.

HB 551 was reported favorably by the House *Education Quality Subcommittee*. It has two committee stops remaining. SB 804 has not been heard in committee yet.

#### [CS/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. Last Friday, the House *Education Quality Subcommittee* reported HB 633 favorably with an amendment 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. The House PreK-12 Appropriations Subcommittee then took up the bill this week and reported it favorably as well. HB 633 still has one committee stop remaining. SB 1236 has not yet been scheduled for a committee hearing in the Senate.

With the difficulty districts are having finding enough certified teachers and the potential for much greater mobility issues with the expansion of school vouchers, the elimination of class size financial penalties would be a welcome change.

#### [CS/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. The House *Civil Justice Subcommittee* reported the bill

favorably, leaving it with one more committee stop. There is no direct corollary bill in the Senate, but SB 244 may have some overlap with its creation of a Teachers' Bill of Rights.

[HB 1069 \(McClain\)](#) / [HB 1223 \(Anderson\)](#) / [SB 1320 \(Yarborough\)](#) – Education (books and LGBTQ revisited)

As discussed in recent updates, 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 was scheduled to be heard last week but was temporarily postponed until this week where it was reported favorably with a vote along party lines by the *Education Quality Subcommittee* with a few modifications. In its current form, it would define "sex" to be the classification of a person as either male or female based on their genitalia at birth. The bill would also require schools to remove books that have been challenged until the objection is resolved. If a school board would prohibit someone reading from a book at a school board meeting, use of the book must be discontinued. Finally, the most troubling amendment approved this week would allow a parent or any county resident to request that the DOE appoint a special magistrate, at district expense, if that person disagrees with the final decision of the school board. The special magistrate would then make a recommended decision to the State Board of Education, not the school board that rendered the decision. HB 1069 has one committee hearing remaining.

HB 1223 expands HB 1557 by prohibiting instruction about sexual orientation and sexual identity in grades PreK – 8. It would also prohibit the use of pronouns that do not match a student's biological sex at birth, even if requested by the student or parent. It was reported favorably in House *Choice and Innovation Subcommittee*, which was its first of only two scheduled committee stops.

SB 1320, which incorporates the major provisions of both HB 1069 and HB 1223 into one bill, has only been assigned to two committees, but it has not yet been heard in either. However, it is scheduled for its first hearing on March 20, 2023.

[HB 1259 \(Canady\)](#) / [SB 1328 \(Boyd\)](#) – Charter School Capital Outlay Funding

These bills would undo most of the changes made in 2018 with respect to charter schools receiving local capital millage dollars and could potentially cost districts to lose a significant portion of their capital millage funds. The House version of the bill continues to provide PECO dollars for charter schools, but this would no longer negate the need to contribute from the 1.5 millage. It would simply reduce the amount. For example, if your 1.5 millage funds equated to about \$750 per FTE within the district after subtracting any pre-2017 debt servicing and the PECO contribution to charter schools was about \$500 per charter school student, the district would need to send the charters \$250 per student from the 1.5 millage proceeds. The Senate



version of the bill does not include PECO funds, so the district would need to send \$750 per charter school student to the charters from the 1.5 proceeds.

HB 1259 received its first committee hearing this week and was reported favorably without a single question asked or any debate. The vote was unanimous. The Senate version of the bill has not yet been heard in committee. I urge you to have your CFO review this bill and its potential effect on the district and then share your concerns with your local delegation members.

*Concerns:* Capital outlay dollars are spent based on need and carefully-constructed, long-term district facility plans. Distributing these funds on a per student basis is illogical and may result in the inability to perform necessary maintenance and repairs on district (i.e., public) facilities. OPPAGA released a report in December that recommended that all capital dollars be spent based on demonstrated need, but these bills reject that recommendation and seek to distribute capital funds based on head counts rather than need.

#### **SB 7024** – Retirement (FRS rates)

This bill would set employer contribution rates for the 2023-24 fiscal year. Under the bill, regular class employees would see a raise from 5.96% to 6.14% of the base rate plus an increase from 4.23% to 4.72% for the unfunded actuarial liability. This would represent a total increase from 10.19% this year to 10.86% next year. No funds would be allocated to cover this increased cost to school districts, which do not have the authority to raise taxes to meet the added cost.

SB 7024 does not address the employer contribution rate for investment plan employees, which was part of the Governor's proposed budget. The bill was reported favorably by the *Government Oversight and Accountability Committee* and will now go to the Senate's full *Appropriations Committee*.

#### **HB 7039 (Trabulsy) / SB 1424 (Calatayud)** – Student Outcomes

These bills largely focus on reading and reading strategies but also establish a system for identifying deficiencies in math that mirrors the current system for identifying deficiencies in reading. HB 7039 is 100 pages long, and SB 1424 is 78 pages. This week, I will simply copy and paste the latest summary of HB 7039 prepared by the House, but these bills should be shared with your Chief Academic Officer and reading specialists, as they may require some districts to radically change their current practices.

HB 7039 was reported favorably by the House *PreK-12 Appropriations Subcommittee* with an amendment that would provide \$150 million in funding to assist districts with implementation, as passage of this bill may require several districts to replace recently purchased instructional materials. SB 1424 has not yet been heard in committee.

According to the House's [most recent staff analysis](#):

- The bill creates a framework for increasing mathematics proficiency in our state by requiring: the identification of any student in kindergarten through grade 4 who exhibits a substantial deficiency in mathematics or the characteristics of dyscalculia; immediate systematic and explicit mathematics instruction to address specific deficiencies; monitoring and instruction be adjusted to student needs; school district early warning systems include early warning indicators to identify such students; such students be covered by a federally required student plan, such as an individual education plan or an individualized progress monitoring plan and; specific elements that must be included in an individualized progress monitoring plan; and student evaluation at the end of every grading period.
- The bill requires the Department of Education (DOE) to identify state approved mathematics intervention programs, curricula, and high-quality supplemental materials, as well as state approved comprehensive reading and intervention programs.
- The bill bolsters the current coordinated screening and progress monitoring system by requiring it to also identify and report the number of students with a substantial deficiency in mathematics as well as students with characteristics of dyscalculia. The DOE is directed to develop ways to increase utilization of the system's student assessment data and resources by instructional staff and parents.
- The bill expands parental notification requirements to include immediate notification to the parent of any kindergarten through grade 3 student who exhibits the characteristics of dyslexia and any kindergarten through grade 4 student who exhibits a substantial deficiency in mathematics or the characteristics of dyscalculia
- The bill expands the New Worlds Reading Initiative to prekindergarten students.
- The bill requires school district reading plans to describe how the school district prioritizes assignment of highly effective teachers to kindergarten through grade 2 classrooms as well as how reading coaches are assigned to individual schools.
- All reading literacy instruction must be grounded in the science of reading, to include: instructional strategies, interventions, curriculum, materials, teacher preparation programs, professional learning systems classroom instruction, and instructional materials. The bill prohibits the use of three-cueing.
- The bill requires performance standards for VPK students and courses in emergent literacy for prekindergarten instructors include foundational background knowledge designed to correlate with the content that students will encounter in kindergarten through grade 12. In addition, the bill requires that the VPK curriculum develop students' background knowledge through a content-rich and sequential knowledge building early literacy curriculum. The bill requires any private prekindergarten provider

or public school that fails to meet the minimum learning gains to use state approved curricula.

- The bill requires the State Board of Education to define in rule the course standards for dropout prevention and academic intervention programs, also referred to as credit retrieval courses, offered by school districts.
- The bill appropriates \$158 million to the DOE: \$150 million is provided to assist school districts in implementing the bill and \$8 million is provided to assist the DOE in implementing the bill.
- The bill has an effective date of July 1, 2023.

### Other Legislation

The Legislature is also considering numerous other bills of interest to school districts, even if they may not directly affect district finances or operations.

[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.

HJR 31 was reported favorably by the House *Education and Employment Committee*. This was its third and final committee hearing, and it will now head to the House floor. SJR 94 received its first of three committee hearings this week and was also reported favorably by the Senate *Ethics and Elections Committee*.

[HB 301 \(Alvarez\)](#) / [CS/SB 212 \(Collins\)](#) – Emergency Response Mapping Data.

These bills, which started identical, initially required the DOE to “procure a vendor to produce standard emergency response mapping data for every public school building in this state.” This data would then be shared with districts, counties, and appropriate first-response agencies. The data produced must be in electronic format and be compatible with the local software platforms used by the schools and the agencies.

The Senate version of the bill was amended and reported favorably by the *Appropriations Committee on Education*, leaving it with one more committee hearing to complete. The new version of SB 212 would create a School Mapping Data Grant Program. Districts, in consultation with their local Sheriff, could apply to receive funds to map their schools. In essence, instead of requiring the DOE to procure a vendor to do this work for every district, it would now leave it to districts to decide whether they wished to apply for a grant to do it. The mapping data produced would still have several requirements.

[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. The Senate version was amended to more closely resemble the House version and was then reported favorably by the Senate *Education Pre-K – 12 Committee*. The House version still has one committee stop remaining, while this was the first of three scheduled committee stops for the Senate version.

[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. SB 676 was reported favorably by the *Criminal Justice Committee* and has two committee stops remaining. The House version still has three committee stops to clear.

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

These bills would allow charter school students to make arrangements to participate in sports at a private school. The Senate version has completed the committee process and is waiting to be heard on the Senate floor. Similarly, the House version completed the committee process this week when it was reported favorably by the House *Education and Employment Committee*. In addition, as noted above, the language in these bills has been incorporated into the larger FHSAA bills (HB 225 / SB 308).

[HB 265 \(Plasencia and Lopez\) / SB 1004 \(Torres\)](#) – High School Equivalency Diplomas

These bills would prohibit districts from forcing students 16-years-old and older from taking any courses before they can take the GED examination if they pass the GED practice test.

HB 265 was reported favorably by the House *Education Quality Subcommittee*, and SB was similarly reported favorably by the Senate *Education Pre-K – 12 Committee*.

[HB 411 \(Steele\) / SB 444 \(Ingoglia\)](#) – 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. HB 411 was reported favorably in the House *Choice and Innovation Subcommittee*. It has one remaining committee stop in the House. SB 444 still has two remaining committee stops to schedule.

[HB 563 \(Amesty\) / CS/SB 258 \(Burgess\)](#) – Prohibited Applications on Government Devices

HB 563 prohibits any wireless communication device issued by a government agency other than law enforcement from having TikTok on it. SB 258 goes much further than just TikTok to include any application created or owned by certain foreign countries “of concern.” The Department of Management Services (DMS) would be responsible for maintaining the list of prohibited applications with quarterly updates. SB 258 was reported favorably by the Senate *Government Oversight and Accountability Committee* and has one committee stop left. The House version has been assigned to three committees but has not yet been heard.

[HB 699 \(Koster\) / SB 662 \(Bradley\)](#) – 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.

HB 699 received its first of three committee hearings this week and was reported favorably. SB 662 is scheduled to receive its second of three hearings next week.

*Concerns:* Both the House and Senate have said that the burden of compliance falls on the content providers and that there will be no economic impact on districts. However, it will obviously fall on districts to spend extra time researching these companies and their programs to make sure that they comply with the law, and, to the extent that some applications’ current pricing is based on practices that would now be prohibited, the costs for using these online educational resources may increase.

[HB 703 \(Garcia\) / SB 478 \(Perry\)](#) – 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 the Senate *Appropriations Committee on Education*. The bill has one remaining Senate committee hearing but has not yet been heard in the House.

[CS/HB 713 \(McFarland\)](#) / [SB 742 \(Grall\)](#) – Administrative Procedures

These bills would make several revisions to Florida’s Administrative Procedures Act (Chapter 120, Florida Statutes), which applies to school district policies and certain meeting requirements. Most of the changes are focused on the regulatory costs of rules, which rarely if ever applies to school board policies. However, because there are several specific exemptions that apply specifically to districts, it is not always clear what changes will apply to districts and what changes will not. It may be wise to share these bills with your board attorney or whoever shepherds board policies through the process of adoption.

The Senate version was reported favorably by the Senate *Government Oversight and Accountability Committee* this week and has two committee stops left. HB 713 was not heard this week and also has two committee stops remaining.

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

This bill would repeal the Hernando County School Board’s decision to switch from elected to appointed superintendent and put the issue before the voters in 2024. It was reported favorably in the House *Local Administration, Federal Affairs & Special Districts Subcommittee* last Friday after being amended to make the first election for Superintendent, if approved by the voters, in 2028, as required by the Florida Constitution, instead of 2026.

[HB 795 \(Tant\)](#) / [SB 514 \(Hooper\)](#) – Private Instructional Personnel

These bills address which private personnel are permitted to enter schools to observe or provide services to students. Last year, behavior technicians working under behavior therapists were added to the statute, but only those who worked for an enrolled Medicaid provider. These bills would lift the restriction that the behavior tech work for a Medicaid provider and would apply to any and all behavior techs working under the supervision of a certified behavior analyst. SB 514 received its first of three committee hearings this week and was reported favorably by the *Education Pre-K – 12 Committee*. HB 795 has been assigned to three committees but has not yet been heard.

[HB 925 \(McClain\)](#) / [SB 1040 \(Burgess\)](#) – District School Board Direct-support Organizations

These bills would allow school districts to contract with a direct-support organization (DSO) for personal services or operations. They also raise the threshold for requiring an annual audit from \$100,000 in expenditures to \$250,000. Finally, the bills would allow the district to contract with a vendor to provide the required audit. SB 1040 was reported favorably by the Senate *Education Pre-K – 12 Committee* and has two committee stops remaining. HB 925 has not yet been heard in committee.

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

These bills, among other things, would prohibit most public-sector unions from collecting their dues through payroll deductions (the bills exclude law enforcement and firefighter unions). There are also certain reporting requirements for the unions, which the Public Employee Relations Commission (PERC) can investigate. 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 received its second and final committee hearing this week and was reported favorably by the Senate *Fiscal Policy Committee*. HB received its first of two scheduled committee hearings and was reported favorably by the *Constitutional Rights, Rule of Law, and Government Operations Subcommittee*.

**The Week Ahead**

In addition to another full slate of committee hearings, the State Board of Education (SBE) is meeting in Tallahassee on March 22, 2022. There are a few rules up for consideration before the SBE, but the number is much lower than it has been at recent meetings. Joe Taylor will be representing FADSS at the meeting, and there will likely be a few other superintendents present to discuss the status of their salary negotiations.

Also, it is expected that the House will release its proposals for changes to the FEFP on Monday. Every superintendent should review this proposal with their CFO and budget teams as soon as possible because the proposed changes are expected to be significant.