



To: Florida District School Superintendents  
From: Brian T. Moore, FADSS General Counsel  
Subject: FADSS Legislative Update – Week of May 1, 2023  
Date: Friday, May 5, 2023

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Today, the Legislature completed the 2023 Legislative Session with the adoption of the budget following a hectic week that saw at least 25 more tracked bills approved, including HB 1537, which contains the concordant score revisions for the Class of 2023. Debate on the budget began yesterday, and the budget bills were approved this morning. The Legislature adjourned the 2023 Session (*sine die*) at about 11:00 am.

### **2023-24 Budget**

The two chambers wrapped up their budget negotiations on time this year, and the 72-hour cooling off period began around 9:00 am on May 2, 2023. As mentioned above, final debate on the budget actually began yesterday, and they managed to pass the budget shortly before 11:00 am this morning.

[General Appropriations Act \(SB 2500\)](#)

[Implementing Bill \(SB 2502\)](#)

[Conforming Bill \(HB 5101\)](#)

[FRS Bill \(SB 7024\)](#)

There will be continued discussion about the many provisions contained within the budget bills, including language about teacher salaries, making staffing and compensation decisions at D and F schools, and the creation of the Florida School for Competitive Academics, but for now, here are the key details for the 2023-24 FEFP:

- A \$552.33 increase to the BSA to \$5,139.73, primarily due to the collapsing of several, large categorical allocations, such as the TSIA, Instructional Materials, and the Reading Allocation.
- A \$404.67 increase to the total funds per UFTE for an average of \$8,648.11 per UFTE.

- Roughly 70% of the districts will see an increase in total funds per UFTE of between 4.0 and 6.0% with another 18% falling between 6.0 and 7.0%.
- FES is retained within district allocations, but there are some attempts to address proration and other recurring issues in the new FEFP. These include the:
  - Educational Enrollment Stabilization Program – this was created to try to eliminate the negative effects of proration on districts and charter schools. The two chambers agreed to reserve \$350 million to address any inaccuracies in the enrollment forecasts.
  - Small District Factor – an additional amount per FTE is provided to districts in fiscally constrained counties with less than 20,000 students.
  - Comparable Wage Factor – replaces the district cost differential and only applies when it is above 1.0.
  - Educational Enrichment Allocation – this replaces the Supplemental Academic Instruction allocation and appears to expand upon the types of programs and services for which the funds can be used.
- Safe Schools and Mental Health Allocations remain intact and increase to \$250 million (+\$40 million) and \$160 million (+\$20 million), respectively.
- Elimination of some categoricals, which are then rolled into the BSA:
  - Funding Compression and Hold Harmless,
  - Instructional Materials Allocation,
  - Reading Allocation,
  - Sparsity Supplement,
  - Teacher Salary Increase Allocation,
  - Teachers Classroom Supply Assistance, and
  - Turnaround Supplemental Services Allocation.

Additionally, here are the key provisions from the FRS bill, SB 7024:

- DROP for all employees increases from 60 to 96 months, effective upon becoming law. Additional 24 months DROP extension available for instructional personnel through June 30, 2029.
- Employees may enter DROP “at any time” after they reach their normal retirement date (i.e., no more 12-month window to use it or lose it at age 57).
- DROP interest rate is increased from 1.3% to 4.0%, effective July 1, 2023.
- FRS rate increases for regular class from 11.85% (including 1.66% health insurance subsidy) to 13.51% (including 2.0% health insurance subsidy) for a total increase of 1.66 percentage points.
- FRS rate increases for DROP members from 18.6% (including 1.66% health insurance subsidy) to 21.13% (including 2.0% health insurance subsidy) for a total increase of 2.53 percentage points.

- FRS employer contribution rate increase for investment plan members from 9.3% to 11.3% for a total increase of 2.0 percentage points.
- Overall employer contribution increase for school districts of approximately \$350 million or more.

### **Bills Already Signed into Law**

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

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

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

### **Bills that Previously Passed Both Chambers (but not yet signed into law)**

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

SB 256, among other things, would prohibit most public-sector unions from collecting their dues through payroll deductions (the bill excludes law enforcement and firefighter unions). There are also certain reporting requirements for the unions, which the Public Employee Relations Commission (PERC) would now be able to 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.

[CS/HB 925 \(McClain\)](#) / [CS/SB 1040 \(Burgess\)](#) / [CS/SB 1278 \(Simon\)](#) – District School Board Direct-support Organizations

SB 1278 would allow school districts to contract with a direct-support organization (DSO) for personal services or operations. It also raises the threshold for requiring an annual audit from \$100,000 in expenditures to \$250,000. Finally, the bill would allow the district to contract with a vendor to provide the required audit.

[CS/CS/HB 1121 \(Bartleman and Tomkow\)](#) / [CS/SB 1156 \(Burton\)](#) – Florida Retirement System

HB 1121 would allow former employees to volunteer during the first year of their retirement. Employers would be able to establish post-employment volunteer programs with some restrictions and record-keeping requirements, and retirees would be able to volunteer for up to 20% of the amount of time the retiree worked per week before retiring.

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

These bills create a grant program to allow each district to produce emergency response mapping data for every public school in the district.

[CS/CS/HB 37 \(Roach\)](#) / [CS/CS/SB 774 \(Brodeur\)](#) – Ethics Requirements for Public Officials (various changes to financial disclosure requirements, particularly with respect to electronic filing)

[CS/CS/HB 19 \(Tant\)](#) / [CS/SB 636 \(Simon\)](#) – Individual Education Plans (legal rights and responsibilities when student turns 18)

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

[HB 265 \(Plasencia and Lopez\)](#) / [SB 1004 \(Torres\)](#) – High School Equivalency Diplomas (no GED courses required if student passes practice test)

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

### **Bills Passed During the Final Week of Session**

[CS/CS/CS/HB 1537 \(Rizo\)](#) / [CS/CS/SB 1430 \(Avila\)](#) – Education (multiple, growing list of subjects)

First, the most important part of this bill was approved by both chambers late in the process. The bill establishes new concordant scores for the Class of 2023, which means that, once this becomes law, this year’s seniors will be able to meet the ELA FSA requirement by achieving the same concordant scores in place last year (e.g., 430 SAT, 19 ACT Reading), as well as the current concordant scores (e.g., ACT English and Reading average of 18). With respect to Algebra I, the bill does bring the PERT back as an option, but a student must score a 114 to satisfy the requirement instead of the previous requirement of 97. These provisions take effect upon becoming law, so they will be official as soon as the Governor approves the bill.

Concordant scores for the Class of 2024 would be the same as in the current rule (no PERT option and higher ELA requirements) with the addition of the Classic Learning Test (CLT) as a potential concordant score option. In separate action, the DOE started the rulemaking process this week with a notice of rule development to adopt concordant or comparative CLT cut scores.

Next, these bills have become a collection center for numerous other bills, or provisions from other bills, and cover a wide-range of PreK-12 education topics. Some of the main topics in the final version of HB 1537 include:

- 9/11 Heroes Day (individual bill also passed the Senate this week).
- Allowing charter schools to dismiss low-performing students (but see HB 443 below, with provision requiring a progress monitoring plan for at least one semester first).
- Changing professional development to professional learning.
- A year-round school pilot program.

- Required instruction in the history of Asian Americans and Pacific Islanders (individual bill passed the House last week too but has not advanced beyond one committee in the Senate).
- Allowing one credit in CTE to satisfy graduation requirement in the arts.
- Rebuttable presumption that a student breaking up a fight acted in a way that was necessary to restore or maintain the safety of others.
- Asking state colleges and universities to develop new courses for acceleration to compete with AP classes.
- Allowing districts to offer the Classic Learning Test to 11<sup>th</sup> graders in addition to the SAT or ACT.
- Adding a new grading component for elementary schools – the percentage of 3<sup>rd</sup> graders scoring level 3 or above.
- Clarification that students can combine volunteer hours and paid work for Bright Futures, after legislation last year allowed paid work instead of volunteer services.
- Creating a temporary certification program for people enrolled in a teacher preparation program who have completed at least 60 college credits.
- Allowing a failing charter school to continue to receive capital outlay funds until it earns two consecutive F's, 3 consecutive grades below a C, or 2 consecutive unsatisfactory ratings.

Finally, there was a provision added late in the process that would allow school boards to “review and reappoint any member of the district executive staff” if the district has an appointed superintendent. Fortunately, the Senate removed this provision this week when it took up HB 1537 in place of SB 1430.

*Concerns:* As with most “train” bills, this one is packed with good ideas; minor, innocuous matters; and potentially harmful ideas. Fortunately, the provision that would limit the power of a superintendent with respect to executive staff members was removed. However, there is some concern about the double-counting of third grade ELA performance in elementary school grades, which may have a greater impact on Title I schools than others. There is also a concerning provision requiring scarce capital funds to be sent to a failing charter school.

Finally, it is worrisome to hear the way one of the bill’s sponsors described her understanding of the provision that would allow charter schools to dismiss students for academic performance. Hopefully, districts will be able to make sure charters are not abusing this provision by creating academic entrance standards where they are not necessary and would be contrary to the concept of being a public school, and there is a provision in HB 443, mentioned below, that would require a progress monitoring plan be employed for at least a semester before this clause could be triggered.

[CS/CS/HB 443 \(Valdes\)](#) / [CS/CS/CS/SB 986 \(Burgess\)](#) – Education (charter school provisions)

The Senate took up HB 443 this week and passed it by a vote of 35-4.

HB 443 requires district sponsors to timely review federal grant applications submitted by charter schools and reimburse charters within 60 days of submission, as long as the request for reimbursement included all necessary information. The bills do not take into account whether the district has actually had the federal grant funds released to it by the state.

The bill also requires district sponsors to provide training to charter schools on any systems that the sponsor might require the charter school to use. Further, it requires district sponsors to provide a report to charter schools every year detailing what services the sponsor rendered to the charter as part of the administrative fee withheld by the district. This report must also be submitted to the DOE. Next, the bill requires the DOE to adopt a standard monitoring tool for district sponsors to use when reviewing and evaluating charter schools. It does not provide any parameters to restrict or guide the DOE in the adoption of this standard monitoring tool.

Late in the process, the bill underwent more changes. It would now allow a charter school to give unrestricted current or capital assets to another charter school operated by the same not-for-profit entity in another district through an unforgiveable loan of no more than five years. Finally, one of the late amendments would require a charter school to place a student on a progress monitoring plan for at least a semester before dismissing the student for poor academic performance, which is in response to language in HB 1537, discussed above.

*Concerns:* This bill continues the trend towards putting all burdens associated with charter schools on the district and not on the school which chose to open and operate within the district. A school district often must undergo a lengthy process to get DOE approval for federal grant funds, but the bill would require districts to front grant money to charters, interest free.

In addition, it is not clear what level of detail may be required in the annual report of services provided to charters. It is one thing if it is just a high-level list of services outlined in statute, such as contract management, test administration, and information management services. However, if the report is expected to include more details and costs, it may be next to impossible to track fully all the tasks that a district performs for charter schools for at best 5% of the FTE for up to 250 students. Employees in district curriculum, finance, IT, federal programs, ESE, and other offices all regularly work with charter schools. This often comes in the form of phone calls or emailed questions, not just monthly reviews of financial statements, regular review of grant applications, or an annual curriculum review. If every district employee will have to stop work to document a billing log every time they do something related to charter schools, it will take time away from the important work of the district. Schools and district offices are not law offices tracking billable hours.

Finally, it is incredibly concerning that a charter school can receive capital funds from local taxpayers and then lend those funds or capital assets purchased with them to a charter school in another district. If the receiving school goes bankrupt, the fact that there was an unforgiveable loan does not do much to make sure that the funds return to the district from which they were raised.

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

As discussed in previous updates, these bills would expand upon last year's HB 1467 (books) and HB 1557 (LGBTQ). The House passed HB 1069 March 31, 2023, and the Senate finally took it up for final consideration this week. It passed the Senate by a vote of 27-12 and will now head to the Governor for approval.

In its final form, HB 1069 would:

- Define “sex” to be the classification of a person as either male or female based on their genitalia at birth.
- Establish by law that every K-12 educational institution has a policy recognizing that “sex is an immutable biological trait and that it is false to ascribe to a person a pronoun that does not correspond to such person’s sex.”
- Prohibit the use of preferred pronouns, even with parental approval.
- Expand the prohibition on classroom instruction about sexual orientation or gender identity from the current K-3 to PreK-8.
- Require health education classes to teach that “biological males impregnate biological females by fertilizing the female’s egg with the male’s sperm; that the female then gestates the offspring; and that these reproductive roles are binary, stable, and unchangeable.”
- Require schools to remove books that have been challenged until the objection is resolved.
- Discontinue using a book if the school board would prohibit someone from reading from the book at a school board meeting.
- Clarify that the law applies to classroom libraries and charter schools as well.

*Concerns:* As we saw with last year’s bills on these subjects, HB 1069 leaves much open to interpretation, which then creates uncertainty and disruption at the local level. The various bill sponsors gave assurances that putting a picture of your same-sex spouse on your desk is not “classroom instruction,” but their answers are much less clear when asked what the teacher can say if a student asks a question about the person in the picture. Are they really supposed to tell a student that his or her honest question is inappropriate for the classroom and refuse to answer it? Moreover, some parents and local community members have a much broader definition of classroom instruction and will most likely file complaints over such a picture. Similarly, there is little guidance about what makes a book appropriate or inappropriate, and a single parent or local resident complaint can result in a book being pulled from the shelves for weeks until a review can be completed. The DOE has advised schools to err on the side of caution, which has put the spotlight on districts when they do just that and remove something to which no reasonable person should have objected in the first place. There simply are not committees of people sitting around waiting to expedite book reviews, and districts wind up

being blasted by newspaper headlines for following DOE direction, while the state disclaims responsibility and says that the law does not require such actions.

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

This bill 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. It would strike the language that says charters do not get any of the local 1.5 capital millage if there is sufficient PECO funding for charter schools. Instead, it would say that charters are entitled to a per pupil share of capital millage dollars based on their FTE count after first subtracting the district's pre-March 1, 2017, debt service obligation and any required set-aside for special facilities allocations. This new obligation to pay charters from the district's 1.5 millage revenue would be phased in at 20% increments over five years.

Also, in determining a proportionate share for charter schools, for both sales tax and 1.5 mills, the law will require counting only those students physically attending a public school in the district (COFTE). Even though the district is responsible for ensuring there is a seat for every student in the district and the FEFP includes voucher students and virtual students, the Legislature wants districts to share their capital outlay dollars without factoring them into the equation.

The House previously approved HB 1259. This week, the Senate took it up in place of SB 1328, rejected some amendments, and passed it by a vote of 29-11.

*Concerns:* We have discussed at length how these bills would affect districts and how they do not take into account the care and upkeep of publicly-owned facilities or the huge amount of deferred maintenance districts already have to address with their current, limited funding.

The Legislature has chosen to ignore its own OPPAGA study and instead provide funding to charter schools regardless of need at the expense of publicly-owned facilities, built to strict standards, and often serving multiple public purposes. Capital outlay dollars are spent based on need and carefully-constructed, long-term district facility plans. Distributing these funds on a per student basis may result in the inability to perform necessary maintenance and repairs on district (i.e., public) facilities.

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

This bill would change the earliest start time for middle and high schools, including charter schools, beginning July 1, 2026. No middle school could start before 8:00 am, and no high school could start before 8:30 am. In preparation for this change, districts are required to inform the community about the importance of sleep and start discussing strategies for implementation.



In addition, the Legislature appropriated \$5 million in the General Appropriations Act to award grants to school districts and charter schools to implement the start time requirements of HB 733 prior to July 1, 2026, and to conduct a survey of six DOE-selected school superintendents (2 large, 2 medium, and 2 small districts) regarding the estimated costs to implement new start times.

The House passed HB 733 several weeks ago, and the Senate took it up in place of SB 1112 this week and passed it as well. It will now go to the Governor for approval.

*Concerns:* This one-size-fits-all approach to start times does not take into account unique local issues, such as local business needs, efficiency in transportation routes, etc. Some districts currently run only one or two bus routes, but this may require adding a second or third route, which would require buying more buses and hiring more bus drivers to run less efficient routes. Fortunately, the bill has a three-year planning period built into it, which will allow each district to look at its operational needs and capacities, engage the local community, and ultimately share all of those local concerns with the Legislature for potential fixes before July 1, 2026.

[CS/CS/HB 7051](#) / [CS/CS/SB 240 \(Hutson\)](#) – Education (CTE and workforce)

These bills seek to build upon the Legislature’s focus on CTE and workforce development over the last few years, including the adoption of the REACH Act in 2021. Both bills are quite lengthy and touch on multiple subjects, and they would provide \$102 million in funding to help school boards and colleges to create or expand programs. For more information, you may want to click on the link to read the Senate *Fiscal Policy Committee’s* [summary of the bill](#). However, the bill was amended somewhat after that analysis was prepared, so the summary is now a little out-of-date.

SB 240 previously passed the Senate with a unanimous 40-0 vote. This week, the House took up SB 240 in place of HB 7051 and also passed it unanimously. It will now go to the Governor for approval.

[CS/CS/HB 633 \(Salzman\)](#) / [CS/SB 1236 \(Wright\)](#) – K-12 Education (Class Size)

This bill removes the financial penalty for noncompliance with class size requirements, but it does not change or remove the class size requirements established in the Florida Constitution. The bill would leave only the requirement that districts report to the DOE how they intend to resolve the issue before the next October survey. In addition, the bill allows children of active duty military personnel to enroll in a special academic program mid-year if the parent is transferred to Florida during the year. The bill also says that a student of a military parent transferred after the controlled open enrollment window closes “may enroll in any school within the state.”

The House passed HB 633 back in March. This week, the Senate took it up in place of SB 1236 and passed it unanimously. It will now go to the Governor for approval.

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

HB 795 addresses 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. This bill 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. It passed both chambers unanimously.

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

This bill would reduce the term limits for school board members from twelve (12) years to eight (8). The Senate took up HB 477 this week and passed it by a vote of 30-7.

[CS/HB 141 \(Arrington\)](#) / [CS/SB 196 \(Jones\)](#) – 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. Originally, the bill required middle school counselors to help draft career plans, but it was amended to require that the notice to parents include contact information of a certified school counselor who can provide advice to students.

SB 196 passed the Senate a few weeks ago, and the House took it up in place of HB 141 this week and passed it as well. It will now go to the Governor for approval.

[CS/HB 1521 \(Plakon\)](#) / [CS/SB 1674 \(Grall\)](#) – Facility Requirements Based on Sex

This bill focuses primarily on restrooms. It would make it a second degree misdemeanor for someone aged 18 or older to enter a restroom designated for the opposite sex (as determined at birth), if they refuse to leave immediately after being asked to do so. With respect to schools, the bills would require educational institutions to adopt into their student codes of conduct disciplinary procedures for people under age 18 who enter into the restroom for the opposite sex (as determined at birth) but refuse to leave immediately when asked to do so.

HB 1521 passed the House previously, and the Senate took it up this week in place of SB 1674 and passed it along party lines after amending it. This required it to go back to the House, which passed it again this week by a vote of 80-36. It will now go to the Governor for approval.

[CS/CS/HB 7039 \(Trabulsy\)](#) / [SB 1424 \(Calatayud\)](#) – Student Outcomes

HB 7039, which is 106 pages long, largely focuses on reading and reading strategies but also establishes a system for identifying deficiencies in math for students in grades K-4 that mirrors the current system for identifying and correcting deficiencies in reading. The bill embraces the Science of Reading and would prohibit certain reading strategies (i.e., three cueing) currently

being used in many districts. \$150 million has been appropriated to assist districts in the implementation of the new requirements.

This lengthy bill makes extensive changes and should be shared with your Chief Academic Officer, reading specialists, and math specialists, as they may require some districts to radically change their current practices. They may wish to review the House's [most recent staff analysis](#), as well.

HB 7039 passed the House in late March, but it did not get heard in the Senate until this week. The Senate took up HB 7039 in place of SB 1424 and passed it unanimously. It will now go to the Governor for approval.

[CS/CS/HB 897 \(Fernandez-Barquin\)](#) / [CS/SB 940 \(Calatayud\)](#) – Multiple-employer Welfare Arrangements

Districts facing ever-increasing health insurance costs for their employees may be interested in these bills, which may make it easier for districts to join together to create a larger group with better bargaining power, like most of the private colleges and universities in the state do through [ICUBA](#). It may be easier to form an association (Association Health Plan) for the purpose of securing health insurance for the employees of multiple employers.

The House passed HB 897 previously, and the Senate took it up this week in place of SB 940 and passed it unanimously. It now heads to the Governor for approval.

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

This bill would convert the Early Childhood Music Education Incentive Program from pilot status to permanent. The Senate approved SB 478 several weeks ago. This week, the House took it up in place of HB 703 and approved it. It will now go to the Governor for approval.

[HB 891 \(Williams\)](#) / [SB 1564 \(Stewart\)](#) – Year-round School Pilot Program

This bill would create a pilot program for up to 5 districts to seek to open one or more elementary schools on a year-round schedule beginning in 2024-25. The pilot would last for four years. Interested districts will apply to the Department of Education. HB 891 passed the House last week. This week, the Senate took it up in place of SB 1564 and passed it as well. It will now go to the Governor for approval.

[CS/CS/HB 741 \(Michael & Steele\)](#) / [CS/CS/SB 766 \(Burgess\)](#) – Enforcement of School Bus Passing Infractions

This bill passed both the Senate and House this week. It allows districts to install and operate a bus infraction detection system on a school bus and enter into an interlocal agreement with law enforcement. There are numerous signage requirements and reporting requirements.

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

This bill 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. Both the Senate and House approved SB 290 this week. It will now go to the Governor for approval.

[CS/HB 389 \(Skidmore\)](#) / [SB 334 \(Book\)](#) – Menstrual Hygiene Products in Schools

This bill provides that school districts “may” make menstrual hygiene products available, at no charge, in each school. Districts are encouraged to partner with nonprofit organizations and businesses to pay for the program, but a late amendment from the Senate prevents any advertising or references to sponsors if it is anyone other than the district or manufacturer.

Although this bill was never heard in a Senate committee, the Senate took up HB 389, amended it to prevent unpopular nonprofit organizations from having their name associated with it, and approved it this week. The House then approved the amended version. It will now go to the Governor for approval.

[CS/HB 1035 \(Gonzalez Pittman\)](#) / [SB 244 \(Calatayud\)](#) – K-12 Teachers (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. The Commissioner 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. In addition, the bill reinforces and perhaps even expands upon a teacher’s authority over discipline within the classroom. 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.

During the process, HB 1035 and SB 244 became more aligned, as HB 1035 picked up on the Teachers’ Bill of Rights contained in SB 244. According to SB 244’s sponsor, that bill was designed to help with the recruitment and retention of teachers during this growing teacher shortage problem. It also addresses some other topics, which are now part of HB 1035, such as authorizing the Department of Education’s Inspector General to “investigate allegations or reports of suspected violations of a student’s, parent’s, or teacher’s rights.”

With respect to teachers, HB 1035 would create a dual enrollment program that will help current high school teachers obtain a graduate degree and be eligible to teach dual enrollment courses on their high school campuses. The bill also creates a Teacher Apprenticeship Program to create another alternative pathway to certification. People with at least an associates

degree could join an apprenticeship program in which they would commit to spending two years in the classroom of a mentor teacher. During those two years, the apprentice would be hired and paid as a paraprofessional. There are several requirements to serve as the mentor teacher for an apprentice, and the mentor teacher could be eligible for a bonus, if appropriated by the Legislature. Because the mentor and apprentice would be employing team-teaching, the mentor teacher's class would be allowed to exceed class-size restrictions by up to 1.5 times the allowable number.

Next, the bill creates the "Heroes in the Classroom Bonus Program." This would allow the DOE to provide a sign-on bonus to a retired veteran or first-responder who commits to becoming a full-time teacher. That bonus could be even higher if they commit to teach in a critical shortage area.

Finally, the bill takes numerous statutes within the Education Code and creates a new Chapter 1015, Florida Statutes, entitled the Teachers' Bill of Rights. This is modeled after the Parents' Bill of Rights created two years ago in Chapter 1014. It does add one provision that is not already enumerated elsewhere. The bill would provide that a teacher's actions in the classroom to maintain order and discipline has a rebuttable presumption of being necessary and appropriate if faced with litigation or professional practices sanctions. Perhaps the most concerning part of the bill addresses a teacher's authority over student discipline. The bill amends section 1003.32, Florida Statutes, to provide that the principal can only impose the disciplinary consequence recommended by the teacher, if the student is found to have committed the offense, or a more serious consequence if the student's past history warranted it. If the principal wishes to impose a different penalty, he or she should consult with the teacher first. Finally, the principal must "notify the teacher of any decision regarding discipline, or lack thereof, and interventions provided to a student to address the behavior. If the principal deviates in any way from the teacher's recommendation, the principal must provide the reasons for any such deviation in writing to the teacher."

HB 1035 passed the House back in March. The Senate took it up in place of SB 244 several weeks ago, but did not pass HB 1035 until it was amended earlier this week and returned to the House, which then approved the amended version. It will now go to the Governor for approval.

*Concerns:* As mentioned in previous updates, the language about teacher authority within the classroom, which is copied from section 1003.32, often creates confusion in the difference between establishing and maintaining classroom rules of conduct and the much larger issue of infractions of the student code of conduct, including SESIR offenses. Teachers are not expected to interview all witnesses, refer to DOE guidance on SESIR reporting, and make the final decision about whether the offense had the necessary monetary value to rise to the level of vandalism, for example. Similarly, they may not have all of the background information on a student to know the appropriate consequence for more severe offenses. Making the teacher's initial recommendation the default punishment and then requiring all of this written reporting to the teacher afterwards is likely to cause problems. In fact, it may cause more problems for

the teachers, as parents may now turn their attention to them when they disagree with recommended disciplinary consequences that the principal may not be able to reject.

[CS/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. If approved by the voters, Hernando would elect a superintendent in 2028. It passed the House last week by a vote of 96-18 but then passed the Senate this week unanimously.

[CS/HB 379 \(Yeager\)](#) / [CS/CS/CS/SB 52 \(Burgess\)](#) – Technology in K-12 Public Schools

HB 379 would require district schools to instruct students 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, the bill would prohibit students from using wireless communication devices during instructional time except when “expressly directed by a teacher solely for educational purposes.” Further, teachers are empowered to designate an area in the classroom to keep wireless communication devices during instructional time.

Finally, HB 379 would require districts to adopt an internet safety plan for students that limits access by students to age-appropriate subject matter on the Internet; protects students when using electronic communication; prohibits student access to data that could be used for “hacking;” prevent access to websites and applications that do not protect against the disclosure of personal information; “prohibit[s] and prevent students from accessing social media platforms” from district servers, with an exception when the use is for educational purposes as directed by the teacher; and prohibits the use of TikTok on any district-owned devices.

The House passed HB 379 in March, and then the Senate took it up in place of SB 52 a couple of weeks ago before amending it and returning it to the House. The House then approved the amended version this week. HB 379 will now go to the Governor for approval.

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

SB 662 would create the “Student Online Personal Information Protection Act.” It prohibits 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 bill also prohibits 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 passed the Senate several weeks ago. The House took it up this week in place of HB 699 and passed it with an amendment. The Senate then passed the amended version as well. SB 662 will now go to the Governor for approval.

*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.

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

SB 258 would prohibit government employees, including charter school employees, from using certain applications on government-issued devices. It will also require government entities to block access to any of the prohibited applications on a government-issued device. The Department of Management Services will compile and regularly update a list of applications, which will be those that are controlled by a foreign principal from a “foreign country of concern (e.g., China, Russia, Iran, Cuba, North Korea, and a few more). The House took up SB 258 in place of HB 563 and passed it unanimously. It will now go to the Governor for approval.

[CS/HB 1125 \(Hunschofsky\)](#) / [SB 1446 \(Wright\)](#) – Interstate Education Compacts

HB 1125 would enable the Governor to take part in the Interstate Teacher Mobility Compact with other states to facilitate the mobility of teachers between states. Essentially, it would require Florida to recognize licenses and education from other member states in the issuance of certification here. HB 1125 unanimously passed the House last week and then did the same in the Senate this week. It will now go to the Governor for approval.

### **The Weeks Ahead**

While we take a deeper dive into all the bills that passed and prepare our end of session summary, the only remaining steps for most of these bills is approval or veto by the Governor. Obviously, the most immediate concern will be the passage of HB 1537, which includes the revised concordant scores for the Class of 2023.