

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5101 — Education

by PreK-12 Appropriations Subcommittee and Representative Tomkow

The bill conforms law to the appropriations provided in SB 2500, the General Appropriations Act for Fiscal Year 2023-2024 for prekindergarten through grade 12 education. Specifically, the bill:

Section 1 modifies s. 11.45, F.S., to require the Auditor General to conduct an annual financial audit of the Florida School for Competitive Academics (FSCA) created in s. 1002.351, F.S., and at least every three years conduct an operational audit of the FSCA.

Section 2 modifies s. 110.1228, F.S., to conform a cross reference regarding specified funding for small school districts, in place of the sparsity supplement.

Section 3 modifies s. 216.251, F.S., to specify that the Florida School for Competitive Academics (FSCA) salaries are provided within the classification and pay plans established by the board of trustees for the FSCA and approved by the State Board of Education (SBE) for academic and academic administrative personnel.

Section 4 amends s. 402.22, F.S., relating to certain residential education programs to conform a cross reference regarding categorical funds.

Section 5 modifies s. 447.203, F.S., to specify that the board of trustees of the Florida School for Competitive Academics (FSCA) is deemed to be the public employer with respect to the academic and academic administrative personnel of the FSCA.

Section 6 modifies s. 1000.04, F.S., to create the Florida School for Competitive Academics as an additional component of Florida's Early Learning-20 public education system.

Section 7 amends s. 1000.071, F.S., created in CS/CS/HB 1069, which specifies that the requirements related to personal titles and pronouns apply only to the actions an employee or contractor acting within his or her employment duties.

Section 8 modifies s. 1001.20, F.S., to add the Florida School for Competitive Academics to those institutions under the authorized investigatory activities of the Department of Education's Office of Inspector General.

Section 9 amends s. 1001.215, F.S., related to the Just Read, Florida! Office to conform cross-references relating to evidence-based strategies, and technical assistance for district reading instruction plans required under s. 1003.4201, F.S.

Section 10 amends s. 1001.26, F.S., to expand the public broadcasting program system to include radio stations.

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Section 11 amends s. 1001.42, F.S., relating to district school board authority in an identified educational emergency, which authorizes the school board to:

- Adopt salary incentives and other strategies for instructional personnel.
- Notwithstanding collective bargaining and teacher assignment requirements, provide differentiated salary incentives based on teacher qualifications or teaching areas, and adopt strategies to assign teachers to low-performing schools.

Section 12 amends s. 1001.43, F.S., relating to authority over fiscal management by a district school board to add assessment of a grade K-12 fee for voluntary, noncredit summer school enrollment in basic program courses. The fee must be based on an ability to pay.

Section 13 amends s. 1002.32, F.S., to change the state funding formula under the Florida Education Finance Program relating to developmental research (laboratory) schools, to specify contributions from the nonvoted required local effort millage and the operating discretionary millage.

Section 14 creates s. 1002.351, F.S., to establish the Florida School for Competitive Academics (FSCA) in Alachua County as a state-supported public school for Florida residents in grades 6-12, which may admit students beginning in the 2024-2025 school year. The act also:

- Establishes a mission and purpose of the school to provide a rigorous academic curriculum and to prepare students for regional, state, and national academic competitions.
- Establishes the FSCA board of trustees composed of seven members appointed by the Governor to 4-year terms and confirmed by the Senate. The act specifies powers and duties of the FSCA board of trustees relating to rulemaking, personnel, students, budgets and finances, and records, and authorizes the board of trustees to make recommendations to the Legislature that the school become a residential public school.
- Requires the FSCA board of trustees to prepare and submit legislative budget requests, which will be funded outside of the Florida Education Finance Program.
- Requires the FSCA to be included in the school choice online portal established in s. 1001.10(10), F.S.
- Requires the FSCA board of trustees and all employees and applicants for employment to undergo a Level 2 background screening, and for all teachers to be Florida certified.
- Requires the Auditor General to conduct audits of the FSCA as provided in law.
- Exempts the FSCA from all statutes in chs. 1000-1013, F.S., with exceptions.

Section 15 amends s. 1002.37, F.S., to include conforming provisions to changes made by the act that replaces the district cost differential with the comparable wage factor, and changes the funding formula for the Florida Virtual School based on modifications made to s. 1011.62, F.S.

Section 16 amends s. 1002.394, F.S., to modify the funding formula for the Family Empowerment Scholarship Program, to conform to changes made to s. 1011.62, F.S.

Section 17 amends s. 1002.45, F.S., to limit the enrollment of full-time equivalent virtual students residing outside of the school district providing the virtual instruction to no more than those that can be funded from state Florida Educational Finance Program funds.

The act also conforms to changes made by the act by modifying the funding formula for Florida virtual instruction programs and virtual charter schools based on modifications made to s. 1011.62, F.S.

Section 18 amends s. 1002.59, F.S., to revise a cross reference regarding evidence-based content and strategies identified by the Just Read, Florida! office for emergent literacy courses.

Section 19 amends s. 1002.71, F.S., related to funding for the Voluntary Prekindergarten (VPK) program to include a conforming provision to changes made by the act that replaces the district cost differential with the comparable wage factor.

Section 20 amends s. 1002.84, F.S., related to distribution of funding by early learning coalitions for the school readiness program to include a conforming provision to changes made by the act that replaces the district cost differential with the comparable wage factor.

Section 21 amends s. 1002.89, F.S., related to funding for the school readiness program to include a conforming provision to changes made by the act that replaces the district cost differential with the comparable wage factor.

Section 22 amends s. 1002.995, F.S., to permit the Department of Education to provide incentives related to early learning career pathways for any instructors who work in a child care or early learning setting.

Section 23 amends s. 1003.03, F.S., related to accountability for exceeding the class size maximums to include a conforming provision to changes made by the act that replaces the district cost differential with the comparable wage factor.

Section 24 creates s. 1003.4201, F.S., to require each district school board to implement a system of comprehensive reading instruction for prekindergarten through grade 12 students, and certain students who exhibit a substantial deficiency in early literacy. Each plan developed by the district must be approved by the district school board. Charter schools must comply by either being included in the district's plan or submitting an individual plan. The plan may include:

- Additional instructional time.
- Use of highly qualified reading coaches to support classroom teachers.
- Professional development to help instructional personnel and certified prekindergarten teachers funded by the FEFP earn certain advanced education.
- Summer reading camps for all students in kindergarten through grade 5 who exhibit reading deficiencies.
- Incentives for instructional personnel and certified prekindergarten teachers.
- Tutoring in reading.

Each plan must include school year expenditures for each component of the plan. The reading instructional plan must be submitted to the DOE by August 1 of each fiscal year for evaluation. The DOE must report findings to the legislature and the State Board of Education.

Section 25 amends s. 1003.485, F.S., to conform cross references relating to duties of the administrator of the New Worlds Reading Initiative.

Section 26 amends s. 1003.621, F.S., related to academically high-performing school districts to conform provisions to changes made by the act for the district reading instruction plan, and purchase of instructional materials.

Section 27 amends s. 1004.935, F.S., related to the Adults with Disabilities Workforce Education Program to include a conforming provision to changes made by the act that replaces the district cost differential with the comparable wage factor.

Section 28 creates s. 1006.041, F.S., requiring each school district to implement a school-based mental health assistance program that includes training to detect and respond to mental health issues. The school district must develop a plan that is approved by the district school board. The plan must be focused on a multi-tiered system of supports that includes:

- Direct employment of school-based mental health services providers.
- Contracts or interagency agreements with local community behavioral health providers or Community Action Team services.
- Policies and procedures for timelines for services, parental/household notification, at-risk students, early identification, de-escalation, and requirements for contacting mental health professionals.

Plans must be submitted to the Department of Education annually by August 1, and a report of outcomes and expenditures for the prior year with specific requirements be submitted annually by September 30.

Section 29 amends s. 1006.07, F.S., to conform provisions to changes made by the act relating to the mental health assistance program created in s. 1006.041, F.S.

Section 30 modifies s. 1006.1493, F.S., to include the statutory requirement previously included in s. 1011.62(12), F.S., for each school district to annually report to the Office of Safe Schools by October 15 that all public schools within the school district have completed the Florida Safe Schools Assessment Tool.

Section 31 amends s. 1006.28, F.S., to provide a definition for a “library media center,” to include classrooms, and to require that, annually by August 1, each school district superintendent certify that the district school board has approved a comprehensive staff development plan that supports the implementation of instructional materials programs.

Section 32 amends s. 1006.40, F.S., regarding the purchase of instructional material to require each district school superintendent to certify to the Commissioner of Education the estimated allocation of state funds for instructional materials, removes references and requirements for the instructional materials allocation, and provides flexibility in the purchase of certain materials identified by the Just Read, Florida! office.

Section 33 amends s. 1007.271, F.S., regarding the dual enrollment program to clarify that school districts must pay the cost of instructional materials for public high school students.

Section 34 amends s. 1008.25, F.S., regarding Voluntary Prekindergarten (VPK) program students exhibiting a substantial deficiency in early literacy skills to remove a reference to the provision to pay for services from the district's evidence-based reading instruction allocation.

Section 35 amends s. 1008.345, F.S., regarding the state accountability system to change a reference from the Evidence-Based Reading Instruction Allocation to the district reading instruction plan.

Section 36 amends s. 1008.365, F.S., to modify requirements for the Reading Achievement Initiative for Scholastic Excellence (RAISE) program to revise cross references, and to implement:

- Reading instruction that must be proven to accelerate progress of students with a reading deficiency.
- Differentiated instruction based on the evaluation of a student's needs.
- Specified reading strategies.

Section 37 amends s. 1010.20, F.S., relating to school district cost reporting to revise a cross reference for categorical funds.

Section 38 creates s. 1011.58, F.S., to require and establish procedures for the Florida School for Competitive Academics (FSCA) to prepare and submit legislative budget requests (LBRs). The LBR of the FSCA must be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education (DOE). The FSCA must submit its LBR and an implementation plan to the DOE for review and approval. Once approved, the Commissioner of Education must include the FSCA in the DOE's LBR to the State Board of Education, the Governor, and the Legislature.

The FSCA must also submit its fixed capital outlay request to the DOE for review and approval, which must be included within the DOE's public education capital outlay LBR.

Section 39 creates s. 1011.59, F.S., which creates flexibility in managing Florida School for Competitive Academics (FSCA) funds. The act requires the FSCA to request and appropriate funds within budget entities, program components, program categories, lump sums, or special categories, but authorizes the board of trustees to transfer to traditional categories for expenditure

by the board of trustees of the FSCA. The board of trustees must develop an annual operating budget that allocates funds by program component and traditional expenditure category.

The FSCA is exempted from preparing a lump-sum plan to implement the special categories, program categories, or lump-sum appropriations. Finally, the act authorizes all unexpended funds appropriated for the FSCA to be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

Section 40 amends s. 1011.61, F.S., to revise cross references for costs and programs included in the Florida Education Finance Program.

Section 41 modifies s. 1011.62, F.S., to:

- Require the cost factor for secondary career education programs to be higher than the cost factor for basic programs grade 9 through 12.
- Repeal the weighted enrollment ceiling for group 2 programs.
- Modify the funding model for ESE programs to clarify that the ESE program formula applies only to students using a matrix of services in support levels IV and V.
- Codify the small district ESE guaranteed allocation to provide an additional value per full-time equivalent student membership to school districts with a full-time equivalent student membership of fewer than 10,000 and fewer than three full-time equivalent students in ESE support levels IV and V.
- Remove the sparsity supplement and instead establishes a small district factor to provide an additional value per full-time equivalent student membership to each school district with a full-time equivalent student membership of fewer than 20,000 full-time equivalent students that is in a fiscally constrained county.
- Rename the district cost differential as the comparable wage factor (CWF) and modifies its application by authorizing the use of the CWF in the calculation of the base FEFP funding only when a school district's CWF is greater than 1.000. The act also authorizes the application of the modified adjustment to any categorical provided in the FEFP that has a calculation methodology that includes the CWF.
- Create the state-funded discretionary contribution to fund the nonvoted discretionary millage for operations for lab schools and the Florida Virtual School and incorporates the funding formula from s. 1002.32, F.S., for lab schools, and s. 1002.37, F.S., for the Florida Virtual School.
- Create the educational enrichment allocation, which incorporates a formula for a modified supplemental academic instruction categorical and the eligible uses of the turnaround school categorical.
- Amend the ESE guaranteed allocation to require the allocation to be the greater of either the school district's prior year ESE guaranteed allocation funds per eligible full-time equivalent student or the ESE guaranteed allocation factor as specified in the General Appropriations Act multiplied by the school district's total number of eligible full-time equivalent students. The allocation must be recalculated during the fiscal year and prorated to the level of the appropriation based on each school district's share of the total recalculated allocation amount.

- Shift requirements for the evidence-based reading instruction allocation to s. 1003.4201, F.S., which is created within the act.
- Authorize funds from the supplemental allocation for juvenile justice education programs to be used to pay for the high school equivalency examination fees for specified juvenile justice students, industry credentialing testing fees, and the costs associated with enrollment in career and technical education courses that lead to industry-recognized certifications.
- Transfer to s. 1006.1493, F.S., the statutory requirement for each school district to annually report to the Department of Education by October 15 that all public schools within the school district have completed the Florida Safe Schools Assessment Tool.
- Transfer to s. 1006.041, F.S., which is created by the act, the requirements for district mental health assistance plans.
- Amend the teacher salary increase allocation to:
 - o Rename the allocation as the classroom teacher and other instructional personnel salary increase.
 - o Provide flexibility for school districts and charter schools on their use of funds for salary increases for instructional personnel once the minimum base salary requirements have been met.
 - o Remove school district and DOE reporting requirements.
- Establish a state-funded discretionary supplement to fund the nonvoted discretionary millage for operations for students awarded a Family Empowerment Scholarship that is similar to the discretionary contribution for lab schools and the Florida Virtual School.
- Amend current requirements for district school boards to transfer funds between categoricals to allow district school boards to transfer funds from any of the categorical programs to the appropriate account for expenditure, subject to conditions and reporting to the Department of Education.
- Create the educational enrollment stabilization program to authorize the Legislature to appropriate funds to the Department of Education to ensure that, based on each recalculation of the FEFP, a school district's funds per unweighted full-time equivalent student are not less than the greater of either the school district's funds per unweighted full-time equivalent student as appropriated in the General Appropriations Act or the school district's funds per unweighted full-time equivalent student as recalculated based on the certified taxable value for school purposes pursuant to s. 1011.62(4), F.S.
- Remove the requirement that calculations required in the FEFP be based on 95 percent of the taxable value for school purposes for fiscal years prior to the 2010-2011 fiscal year.

Section 42 amends s. 1011.622, F.S., regarding adjustments for students without a Florida identification number to conform to the repeal of s. 1011.67, F.S.

Section 43 repeals s. 1011.67, F.S., relating to funds for instructional materials.

Section 44 amends s. 1011.69, F.S., to conform a provision in the Equity in School-Level Funding Act to remove reference to the supplemental academic instruction allocation.

Section 45 amends s. 1011.84, F.S., relating to determining state financial supports to Florida College System institutions to include a conforming provision to changes made by the act that replaces the district cost differential with the comparable wage factor.

Section 46 amends s. 1012.22, F.S., to remove the restriction on salary adjustments that specify that until a school district reaches a minimum base salary of \$47,500, an annual increase under the performance salary schedule must be at least 150 percent of the adjustment under a grandfathered schedule, and then 75 percent thereafter.

Section 47 amends s. 1012.44, F.S., relating to speech-language services to conform a cross reference regarding specified funding for small school districts, rather than the sparsity supplement.

Section 48 amends s. 1012.584, F.S., relating to the youth mental health awareness and training to change the reference from the mental health allocation to mental health assistance programs.

Section 49 amends s. 1012.586, F.S., to revise a cross reference regarding reading endorsement pathways.

Section 50 amends s. 1012.71, F.S., to require the award per classroom teacher for the Florida Teachers Classroom Supply Assistance Program be specified in the General Appropriations Act, and:

- Specify that a job-share classroom teacher may receive a prorated share of the amount provided to a full-time classroom teacher.
- Require the Department of Education to administer a competitive procurement through which eligible classroom teachers may annually purchase classroom materials and supplies.
- Require unused funds to be expended for classroom materials and supplies as determined by the school principal, if the school does not have a school advisory council.

Section 51 creates s. 1012.715 F.S., to establish the Heroes in the classroom sign-on bonus (Heroes program) to provide a one-time sign-on bonus, as provided in the GAA, to specified retired first responders and veterans who commit to joining the teaching profession as a full-time classroom teacher. An eligible individual may also receive an additional bonus for teaching a course in a critical teacher shortage area as defined in law. The Heroes program provides eligibility criteria, which includes receipt of an educator certificate and a commitment to maintaining employment as a teacher for two years. An individual that does not fulfill the employment requirement must reimburse the Department of Education (DOE). The act establishes responsibilities for the DOE and hiring school district.

Section 52 directs the Division of Law Revision to revise the title of subpart D of part I of chapter 1011, F.S., consisting of ss. 1011.55-1011.59, F.S., to read "Florida School for the Deaf and the Blind and Florida School for Competitive Academics: Preparation, Adoption, and Implementation of Budgets" to conform to the amendments made by this act.

Section 53 provides that amendments to s. 1003.03, Florida Statutes, shall not take effect if HB 633 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

Section 54 provides for an effective date of July 1, 2023.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 111-0