

Tab 1 SB 120 by Pizzo (CO-INTRODUCERS) Book; (Identical to H 00331) Naloxone in Schools

Tab 2 SB 130 by Hutson; (Identical to H 00071) Florida Job Growth Grant Fund

351802	A	S	RCS	ED, Hutson	Delete L.19:	11/13 01:54 PM
773850	A	S	RCS	ED, Hutson	Delete L.21:	11/13 01:54 PM

Tab 3 SB 154 by Thurston; (Identical to H 00105) Human Trafficking Education in Schools

650664	A	S	RCS	ED, Thurston	Delete L.40 - 63:	11/13 01:54 PM
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Tab 4 SB 156 by Perry; Early Childhood Music Education Incentive Pilot Program

181370	A	S	RS	ED, Perry	Delete L.22 - 23:	11/13 01:54 PM
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Tab 5 SB 168 by Cruz (CO-INTRODUCERS) Pizzo, Berman, Gibson, Book, Stewart, Rader, Rouson, Taddeo, Torres, Farmer; (Similar to H 00139) Drinking Water in Public Schools

719556	A	S	RCS	ED, Cruz	Delete L.37 - 74:	11/13 01:54 PM
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Tab 6 SB 356 by Hutson; (Similar to CS/H 00115) Keep Our Graduates Working Act

Tab 7 SPB 7008 by ED; OGSR/Animal Medical Records/State College of Veterinary Medicine

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Diaz, Chair
Senator Montford, Vice Chair

MEETING DATE: Tuesday, November 12, 2019

TIME: 3:30—5:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Diaz, Chair; Senator Montford, Vice Chair; Senators Baxley, Berman, Cruz, Perry, Simmons, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 120 Pizzo (Identical H 331)	Naloxone in Schools; Authorizing a public school to purchase a supply or enter into an arrangement to receive a supply of the opioid antagonist naloxone for a certain purpose; requiring the school district to adopt a protocol for the administration of naloxone; providing that a school district and its employees and agents and the physician who provides the protocol are not liable for any injury arising from the administration of the naloxone pursuant to the protocol, etc. ED 11/12/2019 Favorable HP RC	Favorable Yeas 8 Nays 0
2	SB 130 Hutson (Identical H 71)	Florida Job Growth Grant Fund; Authorizing the Governor to approve workforce training grants to certain charter schools under the Florida Job Growth Grant Fund; authorizing certain charter schools to apply for specified grant funds, etc. CM 10/15/2019 Favorable ED 11/12/2019 Fav/CS AP	Fav/CS Yeas 8 Nays 0
3	SB 154 Thurston (Identical H 105)	Human Trafficking Education in Schools; Revising the required health education in public schools to include information regarding the dangers and signs of human trafficking; requiring the Department of Legal Affairs to develop human trafficking awareness campaigns, etc. ED 11/12/2019 Fav/CS CJ AP	Fav/CS Yeas 8 Nays 0
4	SB 156 Perry	Early Childhood Music Education Incentive Pilot Program; Extending the scheduled expiration of the pilot program, etc. ED 11/12/2019 Fav/CS AED AP	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, November 12, 2019, 3:30—5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 168 Cruz (Similar H 139)	Drinking Water in Public Schools; Subject to legislative appropriation, requiring each school district to install filters that meet certain specifications on drinking water sources; requiring such schools to post certain signage on certain water sources and to publish specified information on the school district's website; authorizing school districts to request additional funding to compensate school district staff for the installation or replacement of filters, etc. ED 11/12/2019 Fav/CS AED AP	Fav/CS Yeas 8 Nays 0
6	SB 356 Hutson (Similar CS/H 115, Compare H 77, CS/S 66, S 474)	Keep Our Graduates Working Act; Creating the "Keep Our Graduates Working Act of 2020"; prohibiting a state authority from suspending or revoking a person's professional license, certificate, registration, or permit solely on the basis of a delinquency or default in the payment of his or her student loan, etc. ED 11/12/2019 Favorable IT RC	Favorable Yeas 8 Nays 0
Consideration of proposed bill:			
7	SPB 7008	OGSR/Animal Medical Records/State College of Veterinary Medicine; Amending a provision which provides an exemption from public records requirements for certain animal medical records held by a state college of veterinary medicine that is accredited by the American Veterinary Medical Association Council on Education; removing the scheduled repeal of the exemption, etc.	Submitted and Reported Favorably as Committee Bill Yeas 8 Nays 0
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 120

INTRODUCER: Senators Pizzo and Book

SUBJECT: Naloxone in Schools

DATE: November 8, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Sikes	ED	Favorable
2.			HP	
3.			RC	

I. Summary:

SB 120 authorizes a K-12 public school to purchase the opioid antagonist naloxone and administer the drug to a student who overdoses on an opioid. The bill requires a participating school district to adopt a protocol developed by a licensed physician and provides liability protections for the physician and school district personnel from injuries arising from naloxone use that complies with the protocol.

The bill takes effect July 1, 2020.

II. Present Situation:

Opioid Epidemic

An opioid overdose may cause a person to lose consciousness, stop breathing, and die.¹ In 2017, the number of overdose deaths involving opioids was 6 times higher nationwide than it was in 1999.² In Florida, opioids killed 4,280 people, including 25 children under the age of 18, indicating a nine percent increase in the overall death toll over the preceding year.³ As a result of the opioid epidemic, Governor Scott declared Florida to be in a state of emergency.⁴ Subsequent

¹ U.S. Food & Drug Administration, *Statement From FDA Commissioner Scott Gottlieb, M.D., on Unprecedented New Efforts to Support Development of Over-The-Counter Naloxone to Help Reduce Opioid Overdose Deaths* (Jan. 17, 2019), <https://www.fda.gov/news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-unprecedented-new-efforts-support-development-over> (last visited Oct. 29, 2019).

² Centers for Disease Control and Prevention, *Opioid Overdose* (2018), available at <https://www.cdc.gov/drugoverdose/epidemic/index.html> (last visited Nov. 6, 2019).

³ Florida Department of Law Enforcement, Medical Examiners Commission, *Drugs Identified in Deceased Persons by Florida Medical Examiners, 2017 Annual Report*, available at <https://www.fdle.state.fl.us/MEC/Publications-and-Forms/Documents/Drugs-in-Deceased-Persons/2017-Annual-Drug-Report.aspx>.

⁴ Office of the Governor, *Executive Order Number 17-146*, May 3, 2017 (Opioid Epidemic).

Executive Orders extended the state of emergency through April 2, 2019.⁵ On April 1, 2019, Governor DeSantis created a Statewide Task Force on Opioid Abuse to research and assess the nature of opioid drug abuse in Florida and develop a statewide strategy to identify best practices to combat the opioid epidemic through education, treatment, prevention, recovery, and law enforcement.⁶

Naloxone

Background

Naloxone is a well-established essential medicine for the treatment of life-threatening opioid overdose in emergency medicine.⁷ Naloxone is a safe antidote to a suspected overdose and can save a life when given in time.⁸ Research shows that when naloxone and overdose education are available to community members, overdose deaths decrease in those communities.⁹ Laypersons administering naloxone have a 75 to 100 percent success rate in reversing the effects of an opioid overdose.¹⁰

Regulation

Naloxone is a derivative of thebaine,¹¹ a Schedule II controlled substance in Florida.¹² Schedule II substances may only be dispensed with a prescription from a licensed practitioner,¹³ but emergency responders are authorized by law to possess, store, and administer emergency opioid antagonists as necessary.¹⁴ The U.S. Surgeon General developed standards to encourage the distribution of over-the-counter naloxone.¹⁵

⁵ Office of the Governor, *Executive Order Number 19-36*, February 1, 2019 (Opioid Epidemic Extension).

⁶ Office of the Governor, *Executive Order Number 19-97*, April 1, 2019 ((Establishing the Office of Drug Control and the Statewide Task Force on Opioid Abuse to Combat Florida's Substance Abuse Crisis).

⁷ John Strang et al., *Take-Home Naloxone for the Emergency Interim Management of Opioid Overdose: The Public Health Application of an Emergency Medicine*, 79(13) *Drugs* 1395-1418 (2019), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6728289/>

⁸ U.S. Department of Health and Human Services, Office of the Surgeon General, *U.S. Surgeon General's Advisory on Naloxone and Opioid Overdose* (Apr. 5, 2018), available at <https://www.hhs.gov/surgeongeneral/priorities/opioids-and-addiction/naloxone-advisory/index.html> (last visited Nov. 6, 2019).

⁹ *Id.*

¹⁰ Rachael Rzasa Lynn and J. L. Galinkin, *Naloxone dosage for opioid reversal: current evidence and clinical implications*, 9(1) *Therapeutic Advances in Drug Safety* 63-88 (2018), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5753997/>.

¹¹ National Institute of Health, U.S. National Library of Medicine, *Naloxone*, <https://pubchem.ncbi.nlm.nih.gov/compound/Naloxone> (last visited Oct. 29, 2019).

¹² Section 893.03(2)(a)1.s., F.S.

¹³ Section 893.04(1)(f), F.S. "Practitioner" means a physician licensed under chapter 458, a dentist licensed under chapter 466, a veterinarian licensed under chapter 474, an osteopathic physician licensed under chapter 459, an advanced practice registered nurse licensed under chapter 464, a naturopath licensed under chapter 462, a certified optometrist licensed under chapter 463, a psychiatric nurse as defined in s. 394.455, F.S., a podiatric physician licensed under chapter 461, or a physician assistant licensed under chapter 458 or chapter 459, provided such practitioner holds a valid federal controlled substance registry number. Section 893.02(23), F.S.

¹⁴ Section 381.887, F.S.

¹⁵ U.S. Food & Drug Administration, *supra* note 1.

Subject to statutory exceptions, it is illegal for a drug manufacturer or wholesale distributor in Florida to distribute a prescription drug to a person without a prescription.¹⁶ One such statutory exception authorizes a public school to purchase a supply of epinephrine auto-injectors from a wholesale distributor or manufacturer.¹⁷ In addition, a manufacturer or wholesale distributor of naloxone may sell a prescription drug to:¹⁸

- A licensed pharmacist or any person under the licensed pharmacist's supervision while acting within the scope of the licensed pharmacist's practice;
- A licensed practitioner authorized by law to prescribe prescription drugs or any person under the licensed practitioner's supervision while acting within the scope of the licensed practitioner's practice;
- A qualified person who uses prescription drugs for lawful research, teaching, or testing, and not for resale;
- A licensed hospital or other institution that procures such drugs for lawful administration or dispensing by practitioners;
- An officer or employee of a federal, state, or local government; or
- A person that holds a valid permit issued by the Department of Business and Professional Regulation, which authorizes that person to possess prescription drugs.

Administration

Naloxone may be administered to a person through a vein, through a muscle, or through the nasal passage.¹⁹ Naloxone may cost less than a dollar per unit for a simple vial, to several thousand dollars for certain intramuscular auto-injectors.²⁰

AdaptPharma has produced an FDA- approved naloxone nasal spray called Narcan.²¹ The Florida Department of Children and Families, as part of its overdose prevention program, purchases Narcan at 75 dollars per carton. Each carton contains two doses of Narcan.²² The Narcan Nasal Spray School Program, offered through AdaptPharma, offers up to two cartons of Narcan to every high school at no cost.²³ New approved naloxone nasal sprays cost between 30 dollars and several hundred dollars per carton.²⁴

School Health

District school board personnel may assist students in the administration of certain medication and medical services.²⁵ County health departments, district school boards, and local school health advisory committees jointly develop school health services plans, which must include

¹⁶ Section 499.005(14), F.S.

¹⁷ Section 1002.20(3)(i), F.S.

¹⁸ Section 499.03(1), F.S.

¹⁹ Strang, *supra* note 7.

²⁰ *Id.*

²¹ *Id.*

²² Florida Department of Children and Families, *Patterns and Trends of the Opioid Epidemic in Florida*, at 20 (2018), available at <http://www.floridahealth.gov/statistics-and-data/e-forcse/fl-seow-annual-report-2018.pdf>.

²³ Narcan Nasal Spray, *Community Programs*, available at <https://www.narcan.com/community/education-awareness-and-training-resources/> (last visited Oct. 30, 2019).

²⁴ Strang, *supra* note 7.

²⁵ Section 1006.062, F.S.

provisions for meeting emergency needs at each school.²⁶ Each school must ensure that at least two school staff members are currently certified by nationally recognized certifying agencies to provide first aid and cardiopulmonary resuscitation.²⁷

At least four states enacted bills to expand naloxone access in schools in 2019.²⁸

III. Effect of Proposed Changes:

SB 120 authorizes a K-12 public school to purchase the opioid antagonist naloxone and administer the drug to a student who overdoses on an opioid. The bill requires a participating school district to adopt a protocol developed by a licensed physician and provides liability protections for the physician and school district personnel from injuries arising from naloxone use that complies with the protocol.

The bill authorizes a participating school district to purchase a supply of the opioid antagonist naloxone from a wholesale distributor, or enter into an arrangement with a wholesale distributor or manufacturer for naloxone at fair-market, free, or reduced prices. A participating school district must adopt a protocol developed by a licensed physician for the administration of the drug by school personnel who are trained to recognize an opioid overdose and to administer naloxone. The school district must maintain the naloxone in a secure location on the premises of a participating school.

The bill exempts a school district, its employees, and the physician who provides the standing protocol, from liability for any injury arising from the use of naloxone so long as the naloxone is administered by trained school personnel who follow the standing protocol and whose professional opinion is that the student is having an opioid overdose. The liability protections apply unless the trained school personnel's action is willful and wanton and apply regardless of whether:

- The parents or guardians of the student to whom the naloxone is administered have been provided notice or have signed a statement acknowledging that the school district is not liable; or
- Authorization has been given by the student's parents or guardians or by the student's physician, physician's assistant, or advanced practice registered nurse.

The administration of naloxone pursuant to this bill may prevent the death of a student who experiences an opioid overdose on a school campus.

The bill takes effect July 1, 2020.

²⁶ Sections 381.0056(4)(a)12. and 1006.062(6), F.S.

²⁷ Rule 64F-6.004, F.A.C.

²⁸ Minnesota, Oregon, South Dakota, and Washington. Alyssa Rafa, Education Commission of the States, *Education Policy Responses to the Opioid Crisis* (2019), available at <https://www.ecs.org/education-policy-responses-to-the-opioid-crisis/>, at 3, (last visited Nov. 5, 2019).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The costs to school districts depend on whether or not the district decides to purchase the medication and whether the medication is purchased at fair-market or reduced prices.

Adapt Pharma will provide two cartons of Narcan nasal spray (four doses) free of charge to high schools through the Narcan Nasal Spray School Program.²⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

²⁹ Florida Department of Education, *Legislative Bill Analysis for SB 120* (Sept. 30, 2019).

VIII. Statutes Affected:

This bill substantially amends s. 1002.20, F.S.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Pizzo

38-00009-20

2020120__

A bill to be entitled

An act relating to naloxone in schools; amending s. 1002.20, F.S.; authorizing a public school to purchase a supply or enter into an arrangement to receive a supply of the opioid antagonist naloxone for a certain purpose; specifying requirements for the maintenance of the naloxone; requiring the school district to adopt a protocol for the administration of naloxone; providing that a school district and its employees and agents and the physician who provides the protocol are not liable for any injury arising from the administration of the naloxone pursuant to the protocol; providing exceptions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (n) is added to subsection (3) of section 1002.20, Florida Statutes, to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(3) HEALTH ISSUES.—

(n) Naloxone use and supply.—

1. A public school may purchase a supply of the opioid antagonist naloxone from a wholesale distributor as defined in

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

38-00009-20

2020120__

s. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in s. 499.003 for naloxone at fair-market, free, or reduced prices for use in the event a student has an opioid overdose. The naloxone must be maintained in a secure location on the public school's premises. The participating school district shall adopt a protocol developed by a licensed physician for the administration of the drug by school personnel who are trained to recognize an opioid overdose and to administer naloxone.

2. The school district and its employees and agents and the physician who provides the standing protocol for school naloxone are not liable for any injury arising from the use of the drug if it is administered by trained school personnel who follow the standing protocol and whose professional opinion is that the student is having an opioid overdose:

a. Unless the trained school personnel's action is willful and wanton;

b. Notwithstanding that the parents or guardians of the student to whom the naloxone is administered have not been provided notice or have not signed a statement acknowledging that the school district is not liable; and

c. Regardless of whether authorization has been given by the student's parents or guardians or by the student's physician, physician's assistant, or advanced practice registered nurse.

Section 2. This act shall take effect July 1, 2020.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12

Meeting Date

SB 120

Bill Number (if applicable)

Topic NAYOLWE IN SCHOOLS

Amendment Barcode (if applicable)

Name KEITH FLAUGH

Job Title MANAGING DIRECTOR - FL CITIZENS ALLIANCE

Address Street Phone 239-250-3320

MACCO ISLAND City State Zip Email KEITH@GOFLCA.ORG

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Citizens Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/19

Meeting Date

120

Bill Number (if applicable)

Topic Naloxone in Schools

Amendment Barcode (if applicable)

Name Olivia Babis

Job Title Public Policy Analyst

Address 2473 Care Dr Ste 200
Street

Phone 850-677-9718

Tallahassee FL 32308
City State Zip

Email olivia.b@disabilityrights
Florida.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Disability Rights Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/19

Meeting Date

0120

Bill Number (if applicable)

Topic Naloxone in Schools

Amendment Barcode (if applicable)

Name Karen Mazzola

Job Title Treasurer

Address 1747 Orlando Central Parkway

Phone 407-855-7607

Street Orlando FL 32809

Email Treasurer@floridapta.org

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

Nov. 12, 2014
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 120
Bill Number (if applicable)

Topic SB-120 - Nixone in Schools

Amendment Barcode (if applicable)

Name JEANNETTA JOHNSON

Job Title PARENT ADVOCATE / TRAINER

Address 10818 Rockledge View Dr.

Phone 770-712-4867

River View FL 33579
City State Zip

Email jeannettajhs@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Real TALK Coalition for Education Equity

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 130

INTRODUCER: Education Committee and Senator Hutson

SUBJECT: Florida Job Growth Grant Fund

DATE: November 12, 2019 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Reeve</u>	<u>McKay</u>	<u>CM</u>	Favorable
2.	<u>Dew</u>	<u>Sikes</u>	<u>ED</u>	Fav/CS
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 130 authorizes the Governor to approve workforce training grants from the Florida Job Growth Grant Fund for public schools that offer the Career and Technical Education graduation pathway option. The bill also authorizes charter schools that exclusively offer the Career and Technical Education graduation pathway option to apply for workforce training grants through the Florida Job Growth Grant Fund. The bill also requires that workforce training grants from the Florida Job Growth Grant Fund must only be used toward specified Career and Technical Education program expenses.

The bill takes effect July 1, 2020.

II. Present Situation:

Florida Job Growth Grant Fund

The Florida Job Growth Grant Fund (fund) was created in 2017 to promote economic opportunity by improving public infrastructure and enhancing workforce training. The fund is housed within the Department of Economic Opportunity (department) and may not be used for the exclusive benefit of any single company, corporation, or business entity.¹

¹ Section 15, ch. 2017-233, L.O.F.

Section 288.101, F.S., provides that the department and Enterprise Florida, Inc., a nonprofit corporation acting as the state's economic development organization, may identify projects, solicit proposals, and make funding recommendations to the Governor. The Governor is authorized to approve:

- State or local public infrastructure projects² to promote economic recovery in specific regions of the state, economic diversification, or economic enhancement in a targeted industry;³
- Infrastructure funding to accelerate the rehabilitation of the Herbert Hoover Dike;⁴ and
- Workforce training grants to support programs at state colleges and state technical centers that provide participants with transferable, sustainable workforce skills applicable to more than a single employer, and for equipment with these programs.

Eligible entities must submit an application that provides a description of how a proposed project will promote economic opportunity and a breakdown of its estimated costs. There are currently no statutory limits on the amount of funds that can be requested per project, the number of projects that may be approved, the number of approved projects that must promote public infrastructure versus workforce training, or the time period for which an approved project may receive funds.⁵

During the 2018-2019 fiscal year the fund was appropriated \$85 million,⁶ and 15 infrastructure projects and eight workforce training projects were approved.⁷

The fund was appropriated \$40 million for the 2019-2020 fiscal year.⁸

Career and Technical Education

Career and technical education is organized into programs that prepare students for occupations important to Florida's economic development. These programs include the academic and technical skills required to be successful in occupations such as agriculture, food, and natural resources; engineering and technology education; health sciences; hospitality and tourism; information technology; and transportation, distribution, and logistics.⁹

² Section 288.101(3)(b), F.S., defines public infrastructure as infrastructure that is owned by the public, and is for public use or predominately benefits the public.

³ Section 288.101(3)(c), F.S., defines targeted industry as any industry identified in the most recent list provided to the Governor, the President of the Senate, and the Speaker of the House of representatives in accordance with s. 288.106(2)(q), F.S.

⁴ Section 288.101(3)(a), F.S., defines infrastructure as any fixed capital expenditure or fixed capital costs associated with the construction, reconstruction, or improvement of facilities that have a left expectancy of five or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

⁵ Florida Department of Economic Opportunity, *Florida Job Growth Grant Fund Frequently Asked Questions*, <http://floridajobs.org/docs/default-source/communicationsfiles/florida-job-growth-grant-fund-faq--08092019.pdf?sfvrsn=8> (last visited Oct. 15, 2019).

⁶ Section 6, ch. 2018-9, L.O.F.

⁷ Florida Department of Economic Opportunity, *Florida Job Growth Grant Fund Awarded Proposals 2018-2019*, <http://www.floridajobs.org/jobgrowth/2018-19-awarded-proposals> (last visited Oct. 15, 2019).

⁸ Section 6, ch. 2019-115, L.O.F. An award of \$2.86 million from this fund was announced October 10, 2019 to fund the construction of two new connecting roads and associated underground utilities in Panama City. Email, Department of Economic Opportunity, Florida Job Growth Grant Fund (Oct. 24, 2019).

⁹ Florida Department of Education, *Career & Technical Education*, <http://www.fldoe.org/academics/career-adult-edu/career-tech-edu/> (last visited Oct. 15, 2019).

Graduation Requirements

A student in a Florida public high school¹⁰ may earn a standard high school diploma through successful completion of one of the following:

- 24 credits, including:
 - Four credits in English Language Arts (ELA);
 - Four credits in mathematics;
 - Three credits in science;
 - Three credits in social studies;
 - One credit in fine or performing arts, speech and debate, or practical arts;
 - One credit in physical education; and
 - Eight credits in electives.¹¹
- An International Baccalaureate curriculum.¹²
- An Advanced International Certificate of Education curriculum.¹³
- 18 credits of Academically Challenging Curriculum to Enhance Learning (ACCEL),¹⁴ including:
 - Four credits in ELA;
 - Four credits in mathematics;
 - Three credits in science;
 - Three credits in social studies;
 - One credit in fine or performing arts, speech and debate, or practical arts; and
 - Three credits in electives.
- At least 18 credits through the Career and Technical Education graduation pathway,¹⁵ including:
 - Four credits in ELA;
 - Four credits in mathematics;
 - Three credits in science;
 - Three credits in social studies;
 - Two credits in career and technical education; and
 - Two credits in work-based learning programs.¹⁶

The Career and Technical Education (CTE) graduation pathway was established in 2019¹⁷ as an alternative pathway to earning a standard high school diploma. A student completing the CTE pathway option must earn at least a cumulative grade point average (GPA) of 2.0 on a 4.0 scale

¹⁰ Public schools in Florida include charter schools, which are established by written contractual agreement for the purposes of improving student learning and academic achievement, increasing learning opportunities for all students, encouraging the use of innovative learning methods, and requiring the measurement of learning outcomes. Section 1002.33, F.S.

¹¹ Section 1003.4282(3), F.S. Electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit.

¹² Section 1003.4282(1)(a), F.S.

¹³ *Id.*

¹⁴ Section 1002.3105, F.S.

¹⁵ Section 1003.4282(11), F.S.

¹⁶ *Id.*

¹⁷ Section 14, ch. 2019-119, L.O.F.

and fulfill the requirements of the statewide, standardized assessment requirements to receive a standard high school diploma.

III. **Effect of Proposed Changes:**

Section 1 amends s. 288.101, F.S., to authorize the Governor to approve workforce training grants funded through the Florida Job Growth Grant Fund to support programs at public schools that offer the Career and Technical Education graduation pathway and requires that workforce training grants from the Florida Job Growth Grant Fund must only be used toward specified Career and Technical Education program expenses.

Section 2 amends s. 1002.33, F.S., to authorize charter schools that exclusively offer the Career and Technical Education graduation pathway to apply for workforce training grants through the Florida Job Growth Grant Fund.

Section 3 provides an effective date of July 1, 2020.

IV. **Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 288.101 and 1002.33

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education on November 12, 2019:

The committee substitute expands the Governor's authorization to approve funding for workforce training grants through the Florida Job Growth Grant Fund to public schools that offer the Career and Technical Education graduation pathway option and requires that workforce training grants from the Florida Job Growth Grant Fund must only be used toward specified Career and Technical Education program expenses.

B. Amendments:

None.



351802

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/13/2019	.	
	.	
	.	
	.	

The Committee on Education (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete line 19

and insert:

public schools that offer the Career and Technical

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 6

and insert:

amending s. 1002.33, F.S.; authorizing certain public



773850

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/13/2019	.	
	.	
	.	
	.	

The Committee on Education (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete line 21

and insert:

1003.4282(11). Such grants must be used only toward Career and
Technical Education program expenses.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 7

and insert:



773850

12 schools to apply for specified grant funds; requiring
13 grant funds to be used toward specified expenses;
14 providing

By Senator Hutson

7-00138-20

2020130__

1 A bill to be entitled
 2 An act relating to the Florida Job Growth Grant Fund;
 3 amending s. 288.101, F.S.; authorizing the Governor to
 4 approve workforce training grants to certain charter
 5 schools under the Florida Job Growth Grant Fund;
 6 amending s. 1002.33, F.S.; authorizing certain charter
 7 schools to apply for specified grant funds; providing
 8 an effective date.

10 Be It Enacted by the Legislature of the State of Florida:

12 Section 1. Paragraph (d) is added to subsection (2) of
 13 section 288.101, Florida Statutes, to read:

14 288.101 Florida Job Growth Grant Fund.—

15 (2) The department and Enterprise Florida, Inc., may
 16 identify projects, solicit proposals, and make funding
 17 recommendations to the Governor, who is authorized to approve:

18 (d) Workforce training grants to support programs at
 19 charter schools that exclusively offer the Career and Technical
 20 Education graduation pathway option pursuant to s.
 21 1003.4282(11).

22 Section 2. Paragraph (i) is added to subsection (17) of
 23 section 1002.33, Florida Statutes, to read:

24 1002.33 Charter schools.—

25 (17) FUNDING.—Students enrolled in a charter school,
 26 regardless of the sponsorship, shall be funded as if they are in
 27 a basic program or a special program, the same as students
 28 enrolled in other public schools in the school district. Funding
 29 for a charter lab school shall be as provided in s. 1002.32.

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

7-00138-20

2020130__

30 (i) A charter school that exclusively offers the Career and
 31 Technical Education graduation pathway option pursuant to s.
 32 1003.4282(11) is eligible to apply for a workforce training
 33 grant under s. 288.101.

34 Section 3. This act shall take effect July 1, 2020.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/14
Meeting Date

SB 130
Bill Number (if applicable)

Topic Florida Job Growth Grant Fund

Amendment Barcode (if applicable)

Name Carol Bowen

Job Title Chief Lobbyist

Address 3730 Coconut Creek Pkwy, Ste 200
Street

Phone (954) 415-6811

Coconut Creek FL 33066
City State Zip

Email cbowe@cbowenranch.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Associated Builders and Contractors

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

SB 130
Bill Number (if applicable)

Topic FL Job Growth Grant Fund

Amendment Barcode (if applicable)

Name KEITH FLAUGH

Job Title MANAGING DIRECTOR FL CITIZENS ALLIANCE

Address _____

Phone 339-250-3320

Street Marco Island FL
City State Zip

Email KEITH@GOFLCA.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA CITIZENS ALLIANCE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 154

INTRODUCER: Education Committee and Senator Thurston

SUBJECT: Human Trafficking Education in Schools

DATE: November 13, 2019 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Sikes	ED	Fav/CS
2.			CJ	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 154 requires that information regarding the dangers and signs of human trafficking be included in the comprehensive health education instruction that is required to be administered in the public school system.

The bill has no impact on state revenues or expenditures.

The bill takes effect on July 1, 2020.

II. Present Situation:

Human Trafficking

The federal Victims of Trafficking and Violence Protection Act of 2000¹ defines "severe forms of trafficking in persons" as the recruitment, harboring, transportation, provision, or obtaining of a person for:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

¹ Public Law 106-386, s. 103, 22 U.S.C. s. 7102.

- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

There are approximately 2.5 million victims of human trafficking in the United States. Many victims are lured with false promises of financial or emotional security; instead they are forced or coerced into commercial sex, domestic servitude or other types of forced labor. Any minor under the age of 18 who is induced to perform a commercial sex act is a victim of human trafficking, regardless of whether there is forced fraud or coercion. Increasingly, criminal organizations such as gangs, are luring children from local schools into commercial sexual exploitation or trafficking. According to the U.S. Department of Justice, every two minutes a child is trafficked for the purpose of sexual exploitation in the United States.²

Florida law defines human trafficking as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.³ Human trafficking is a form of modern-day slavery.⁴ Victims of human trafficking are young children, teenagers, and adults; include citizens of the United States and those persons trafficked domestically within the borders of the United States; and are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.⁵

Florida is third in the nation for reported human trafficking cases. In 2018, there were 767 human trafficking cases reported in Florida. Of those cases, 149 were minors. The average ages of trafficked youth are 11-13 years old.⁶

Education

Required Instruction in Schools

Florida law specifies required coursework and instruction for public school students. Specifically, each district school board must provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet State Board of Education (SBE) adopted standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.⁷

Instructional staff of public schools, subject to the rules of the SBE and the district school board, must provide instruction in:⁸

² Florida Department of Education, *Healthy Schools – Human Trafficking*, available at: <http://www.fldoe.org/schools/healthy-schools/human-trafficking.stml>

³ Section 787.06(2)(d), F.S.

⁴ Section 787.06(1), F.S.

⁵ *Id.* at (1)(a). Florida law describes sexual exploitation as prostitution or the work in the sexual entertainment industry and forced labor as domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work. Section 787.06(1)(b), F.S.

⁶ Florida Department of Education, Presentation to the State Board of Education, *Child Trafficking Prevention Education* (Sept. 20, 2019), available at: <http://www.fldoe.org/core/fileparse.php/5575/urlt/ChildTraffickingPres.pdf>.

⁷ Section 1003.42(1), F.S.

⁸ The law encourages the SBE to adopt standards and pursue assessment relating to the required instructional content. Section 1003.42(2), F.S.

- The history and content of the Declaration of Independence.
- The history, meaning, significance, and effect of the provisions of the Constitution of the United States.
- The arguments in support of adopting our republican form of government.
- Flag education, including proper flag display and flag salute.
- The elements of civil government.
- The history of the Holocaust.
- The history of African Americans.
- The elementary principles of agriculture.
- The effects of alcoholic and intoxicating liquors and beverages and narcotics.
- Kindness to animals.
- The history of the state.
- Comprehensive health education.
- The study of Hispanic contributions to the United States.
- The study of women’s contributions to the United States.
- The nature and importance of free enterprise to the United States economy.
- A character-development program in kindergarten through grade 12.
- The sacrifices that veterans and Medal of Honor recipients have made serving the country.

Comprehensive health education currently addresses 12 components. Eleven of the components are delivered in kindergarten through grade 12,⁹ and include: concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; Internet safety; nutrition; personal health; prevention and control of disease; and substance use and abuse. Instruction related to teen dating violence and abuse must be provided in grades 7-12 only.¹⁰

Instructional staff of charter schools are exempt from this section of law.¹¹

Human Trafficking Instruction and Awareness in Schools

In September 2019, the SBE adopted a rule addressing Child Trafficking Prevention Education, which requires school districts to annually provide instruction to students in grades K-12 related to child trafficking prevention and awareness using current health education standards. Age appropriate elements must address the following topics:¹²

- Recognition of signs of human trafficking;
- Awareness of resources, including national, state and local resources;
- Prevention of the abuse of and addiction to alcohol, nicotine, and drugs;
- Information of the prevalence, nature, and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance; and

⁹ Section 1003.42(2)(n), F.S.

¹⁰ *Id.*

¹¹ Section 1002.33(16), F.S.

¹² Rule 6A-1.094123, F.A.C.

- Information on how social media and mobile device applications are used for human trafficking.

By December 1 of each year, each school district must submit a human trafficking instruction implementation plan to the commissioner, and by July 1 of each year, each school district must submit an annual report to verify completion of the instruction.¹³ The Florida Department of Education (DOE) has provided human trafficking training and resources for all school personnel via webinars, professional development events, and in-person trainings.¹⁴ Health education teachers are encouraged to attend the annual Statewide Human Trafficking Summit, for which registration is free.¹⁵ The DOE also maintains a human trafficking webpage with information and resources for parents and guardians.¹⁶

III. Effect of Proposed Changes:

CS/SB 154 amends s. 1003.42, F.S., to require human trafficking instruction be included in the comprehensive health education instruction provided in the public school system. The bill requires instruction to include, at a minimum:

- Recognition of the signs of human trafficking;
- Awareness of resources, including national, state, and local resources;
- Prevention of the abuse of and addiction to alcohol, nicotine, and drugs;
- Information on the prevalence and nature of human trafficking;
- Strategies to reduce the risk of human trafficking;
- Techniques that may be used in setting healthy boundaries and how to safely seek assistance; and
- Information on how social media and mobile device applications are used for human trafficking.

The human trafficking instruction required by the bill aligns with the Child Trafficking Prevention Education instruction required by State Board of Education (SBE) rule.

The bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹³ Rule 6A-1.094123, F.A.C.

¹⁴ Florida Attorney General, Statewide Council on Human Trafficking, *Annual Report 2018*, available at [http://myfloridalegal.com/webfiles.nsf/WF/MVIS-B8JT3C/\\$file/HTAnnualReport2018Web.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MVIS-B8JT3C/$file/HTAnnualReport2018Web.pdf), at 22.

¹⁵ Florida Department of Education, *2020 Agency Analysis of SB 154* (Oct. 21, 2019), at 4.

¹⁶ Florida Department of Education, *Human Trafficking*, <http://www.fldoe.org/schools/healthy-schools/human-trafficking.stml> (last visited Oct. 16, 2019).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.42 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education on November 12, 2019:

The committee substitute requires human trafficking instruction include, at a minimum:

- Recognition of the signs of human trafficking;
- Awareness of resources, including national, state, and local resources;
- Prevention of the abuse of and addiction to alcohol, nicotine, and drugs;
- Information on the prevalence and nature of human trafficking;

- Strategies to reduce the risk of human trafficking;
- Techniques that may be used in setting healthy boundaries and how to safely seek assistance; and
- Information on how social media and mobile device applications are used for human trafficking.

The committee substitute also removes:

- The requirement for the Department of Legal Affairs (DLA) to develop human trafficking awareness campaigns and
- The provision permitting a student to opt out of the human trafficking instruction by providing the school a written note from his or her parent.

B. Amendments:

None.



650664

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/13/2019	.	
	.	
	.	
	.	

The Committee on Education (Thurston) recommended the following:

Senate Amendment (with title amendment)

Delete lines 40 - 63

and insert:

curriculum must include, at a minimum, recognition of the signs of human trafficking; awareness of resources, including national, state, and local resources; prevention of the abuse of and addiction to alcohol, nicotine, and drugs; information on the prevalence and nature of human trafficking; strategies to reduce the risk of human trafficking; techniques that may be used in setting healthy boundaries and how to safely seek



650664

12 assistance; and information on how social media and mobile
13 device applications are used for human trafficking.

14
15 The State Board of Education is encouraged to adopt standards
16 and pursue assessment of the requirements of this subsection. A
17 character development program that incorporates the values of
18 the recipients of the Congressional Medal of Honor and that is
19 offered as part of a social studies, English Language Arts, or
20 other schoolwide character building and veteran awareness
21 initiative meets the requirements of paragraphs (s) and (t).

22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete line 6

26 and insert:

27 trafficking; specifying the minimum requirements of
28 the human trafficking education portion of the
29 comprehensive health education curriculum; authorizing
30 a student to opt out of a

By Senator Thurston

33-00314-20

2020154__

1 A bill to be entitled
 2 An act relating to human trafficking education in
 3 schools; amending s. 1003.42, F.S.; revising the
 4 required health education in public schools to include
 5 information regarding the dangers and signs of human
 6 trafficking; authorizing a student to opt out of a
 7 specified portion of the health education under
 8 certain circumstances; requiring the Department of
 9 Legal Affairs to develop human trafficking awareness
 10 campaigns; providing an effective date.
 11
 12 Be It Enacted by the Legislature of the State of Florida:
 13
 14 Section 1. Paragraph (n) of subsection (2) of section
 15 1003.42, Florida Statutes, is amended to read:
 16 1003.42 Required instruction.—
 17 (2) Members of the instructional staff of the public
 18 schools, subject to the rules of the State Board of Education
 19 and the district school board, shall teach efficiently and
 20 faithfully, using the books and materials required that meet the
 21 highest standards for professionalism and historical accuracy,
 22 following the prescribed courses of study, and employing
 23 approved methods of instruction, the following:
 24 (n) Comprehensive health education that addresses concepts
 25 of community health; consumer health; environmental health;
 26 family life, including an awareness of the benefits of sexual
 27 abstinence as the expected standard and the consequences of
 28 teenage pregnancy; mental and emotional health; injury
 29 prevention and safety; Internet safety; the dangers and signs of

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

33-00314-20

2020154__

30 human trafficking; nutrition; personal health; prevention and
 31 control of disease; and substance use and abuse. The health
 32 education curriculum for students in grades 7 through 12 shall
 33 include a teen dating violence and abuse component that
 34 includes, but is not limited to, the definition of dating
 35 violence and abuse, the warning signs of dating violence and
 36 abusive behavior, the characteristics of healthy relationships,
 37 measures to prevent and stop dating violence and abuse, and
 38 community resources available to victims of dating violence and
 39 abuse. The human trafficking education portion of the health
 40 curriculum must include, but is not limited to, information on
 41 the warning signs of human trafficking, terms used by
 42 traffickers, red flags that would indicate a trafficker's
 43 malicious intent toward a student, websites that are popular
 44 with traffickers, and details on how a student may get help. A
 45 student may elect to opt out of the instruction of the human
 46 trafficking portion of the health education by providing the
 47 school with a written note from his or her parent.
 48
 49 The State Board of Education is encouraged to adopt standards
 50 and pursue assessment of the requirements of this subsection. A
 51 character development program that incorporates the values of
 52 the recipients of the Congressional Medal of Honor and that is
 53 offered as part of a social studies, English Language Arts, or
 54 other schoolwide character building and veteran awareness
 55 initiative meets the requirements of paragraphs (s) and (t).
 56 Section 2. Human trafficking awareness campaigns.—The
 57 Department of Legal Affairs shall, subject to legislative
 58 appropriations, develop campaigns to increase awareness of human

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

33-00314-20

2020154__

59 trafficking, particularly among children and other potentially
60 vulnerable populations. Such campaigns may include information
61 concerning approaches used by traffickers, warning signs of
62 trafficking, and inappropriate behaviors that should be
63 reported.

64 Section 3. This act shall take effect July 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/19
Meeting Date

154
Bill Number (if applicable)

Topic Human Trafficking Education in Schools

Amendment Barcode (if applicable)

Name Daphnee Sainvil

Job Title Legislative Policy Advisor

Address 100 S. Andrews Ave; Main Library 8th Fl Phone 954-253-7320
Street

Ft. Lauderdale Fl 33301
City State Zip

Email dsainvil@broward.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Broward County Bd. of County Commissioners

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

12 Nov 2014

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 154

Bill Number (if applicable)

Topic Human Trafficking Education in Schools Amendment Barcode (if applicable)

Name Melina Rayna Svanhild Farley Barratt

Job Title President

Address 8699 SE 69 Ter

Street

Phone 352-220-7477

Trenton

City

FL

State

32693

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Gainesville NOW

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11-13-19
Meeting Date

154
Bill Number (if applicable)

Topic Human Trafficking Education

Amendment Barcode (if applicable)

Name Barbara Deane

Job Title Ms

Address 625 E. Brevard St

Phone 850-251-4280

Jallahance FL 32308
City State Zip

Email barbaradeane1@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL NOW

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11-12-19

Meeting Date

SB-154

Bill Number (if applicable)

Topic HUMAN TRAFFICKING EDUCATION IN SCHOOLS

Amendment Barcode (if applicable)

Name PABLO J. CALVO

Job Title DIRECTOR OF COMMUNITY ENGAGEMENT

Address 1475 W CYPRESS CREEK RD
Street

Phone 954-377-2188

FORT LAUDERDALE FL 33309
City State Zip

Email PCALVO@ELCBROWARD.ORG

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing EARLY LEARNING COALITION OF BROWARD COUNTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

11/12/19

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

154

Meeting Date

Bill Number (if applicable)

Topic Human Trafficking Education in Schools

Amendment Barcode (if applicable)

Name Karen Mazzola

Job Title Treasurer

Address 1747 Orlando Central Parkway

Phone

Street

Orlando FL

State

32809

Zip

Email

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/19
Meeting Date

SB 154
Bill Number (if applicable)

Topic HUMAN TRAFFICKING

Amendment Barcode (if applicable)

Name REV. DR. RUSSELL MEYER

Job Title EXEC DIR FL COUNCIL OF CHURCHES

Address 5025 Shampton Cir

Phone 813 435 5335

Tampa FL 33647
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing REAL TALK FOR EDUCATION EQUITY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/19
Meeting Date

154
Bill Number (if applicable)

Topic Human Trafficking Education

Amendment Barcode (if applicable)

Name Olivia Babis

Job Title Public Policy Analyst

Address 2473 Care Dr. Ste 200
Street

Phone 850-617-9718

Tallahassee FL 32308
City State Zip

Email olivia.babis@disabilityrightsflorida.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Disability Rights Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/19
Meeting Date

154
Bill Number (if applicable)

Topic Human Trafficking Education

Amendment Barcode (if applicable)

Name Marissa Vano

Job Title Law Student - Human Trafficking Exploitation Law Project

Address 415 Saint Francis St. Unit 201 Phone 352-213-1416
Street

Tallahassee FL 32301
City State Zip

Email mdv17@my.fsu.edu

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Human Trafficking Exploitation Law Project

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 156

INTRODUCER: Education Committee and Senator Perry

SUBJECT: Early Childhood Music Education Incentive Pilot Program

DATE: November 13, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dew	Sikes	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 156 extends the scheduled expiration of the Early Childhood Music Education Incentive Pilot Program from June 30, 2020, to June 30, 2022. The bill also modifies the eligibility requirements for the pilot program by changing the requirement from each elementary school in the district having a comprehensive music education program to specified elementary schools in the district having a comprehensive music education program.

The bill has no impact on state revenues or expenditures. The pilot program is contingent upon legislative appropriation.

This bill takes effect July 1, 2020.

II. Present Situation:

The legislature established the Early Childhood Music Education Incentive Pilot Program (pilot program) in 2017¹ for three years to assist certain school districts in implementing comprehensive music education programs in kindergarten through grade 2, beginning with the 2017-2018 school year.²

¹ Section 69, ch. 2017-116, L.O.F.

² Section 1003.481(1), F.S.

For a school district to be eligible for participation in the pilot program, the district school superintendent must certify to the Commissioner of Education (commissioner) that each elementary school within the district has established a comprehensive music education program that:³

- Includes all students enrolled at the school in kindergarten through grade 2;
- Is staffed by certified music educators;
- Provides music instruction for at least 30 consecutive minutes 2 days a week;
- Complies with class size requirements under the law;⁴ and
- Complies with the Department of Education’s standards for early childhood music education programs for students in kindergarten through grade 2.

The commissioner must select school districts for participation in the pilot program, subject to legislative appropriation, based on the school district’s proximity to the University of Florida and needs-based criteria established by the State Board of Education.⁵ Selected school districts must annually receive \$150 per full-time equivalent student in kindergarten through grade 2 who is enrolled in a comprehensive music education program.⁶

The University of Florida’s College of Education is required to evaluate the effectiveness of the pilot program.⁷ The State Board of Education may adopt rules to administer the pilot program.⁸

The pilot program is scheduled to expire on June 30, 2020.⁹

The pilot program has not been implemented by the Department of Education.¹⁰

III. Effect of Proposed Changes:

The bill extends the scheduled expiration of the Early Childhood Music Education Incentive Pilot Program from June 30, 2020, to June 30, 2022. The bill also modifies the eligibility requirements for the pilot program by changing the requirement from each elementary school in the district having a comprehensive music education program to specified elementary schools in the district having a comprehensive music education program.

This bill takes effect July 1, 2020.

³ Section 1003.481(2)(a)-(e), F.S.

⁴ The maximum number of students assigned to each teacher who is teaching core-curriculum courses in public school classrooms for prekindergarten through grade 3 may not exceed 18 students. Section 1003.03(1)(a), F.S.

⁵ Section 1003.481(3)(a), F.S.

⁶ *Id.*

⁷ Section 1003.481(4), F.S.

⁸ Section 1003.481(5), F.S.

⁹ Section 1003.481(6), F.S.

¹⁰ Telephone Interview with staff, Florida Department of Education (Jan 28, 2019). In 2017, the Legislature appropriated \$250,000 for the Early Childhood Music Education Incentive Pilot Program, which was vetoed by the Governor. Specific Appropriation 108, s. 2, ch. 2017-70, L.O.F. In 2018, the Legislature appropriated \$300,000 for the Early Childhood Music Education Incentive Pilot Program, which was vetoed by the Governor. Specific Appropriation 108, s. 2, ch. 2018-9, L.O.F.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures. The pilot program is contingent upon legislative appropriation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.481 of the Florida Statutes:

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education on November 12, 2019:

The committee substitute changes eligibility requirement for the Early Childhood Music Education Incentive Program from each elementary school in the district having a comprehensive music education program to specified elementary schools in the district having a comprehensive music education program.

- B. **Amendments:**

None.



181370

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
11/13/2019	.	
	.	
	.	
	.	

The Committee on Education (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 22 - 23

and insert:

format prescribed by the department, that specified elementary schools ~~each elementary school~~ within the district have ~~has~~ established a comprehensive music

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 5



12 and insert:
13 program; revising an eligibility requirement;
14 providing an effective date.

By Senator Perry

8-00227-20

2020156__

1 A bill to be entitled
2 An act relating to the Early Childhood Music Education
3 Incentive Pilot Program; amending s. 1003.481, F.S.;
4 extending the scheduled expiration of the pilot
5 program; providing an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Section 1003.481, Florida Statutes, is amended
10 to read:

11 1003.481 Early Childhood Music Education Incentive Pilot
12 Program.—

13 (1) ~~Beginning with the 2017-2018 school year,~~ The Early
14 Childhood Music Education Incentive Pilot Program is created
15 within the Department of Education ~~for a period of 3 school~~
16 ~~years.~~ The purpose of the pilot program is to assist selected
17 school districts in implementing comprehensive music education
18 programs for students in kindergarten through grade 2.

19 (2) ~~In order for~~ A school district is to be eligible for
20 participation in the pilot program if, the superintendent
21 certifies ~~must certify~~ to the Commissioner of Education, in a
22 format prescribed by the department, that each elementary school
23 within the district has established a comprehensive music
24 education program that:

25 (a) Includes all students at the school enrolled in
26 kindergarten through grade 2.

27 (b) Is staffed by certified music educators.

28 (c) Provides music instruction for at least 30 consecutive
29 minutes 2 days a week.

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

8-00227-20

2020156__

30 (d) Complies with class size requirements under s. 1003.03.

31 (e) Complies with the department's standards for early
32 childhood music education programs for students in kindergarten
33 through grade 2.

34 (3) (a) The commissioner shall select school districts for
35 participation in the pilot program, subject to legislative
36 appropriation, based on the school district's proximity to the
37 University of Florida and needs-based criteria established by
38 the State Board of Education. Selected school districts shall
39 annually receive \$150 per full-time equivalent student in
40 kindergarten through grade 2 who is enrolled in a comprehensive
41 music education program.

42 (b) To maintain eligibility for participation in the pilot
43 program, a selected school district must annually certify to the
44 commissioner, in a format prescribed by the department, that
45 each elementary school within the district provides a
46 comprehensive music education program that meets the
47 requirements of subsection (2). If a selected school district
48 fails to provide the annual certification for a fiscal year, the
49 school district must return all funds received through the pilot
50 program for that fiscal year.

51 (4) The University of Florida's College of Education shall
52 evaluate the effectiveness of the pilot program by measuring
53 student academic performance and the success of the program. The
54 evaluation must include, but is not limited to, a quantitative
55 analysis of student achievement and a qualitative evaluation of
56 students enrolled in the comprehensive music education programs.

57 (5) The State Board of Education may adopt rules to
58 administer this section.

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

8-00227-20

2020156__

59

(6) This section expires June 30, 2022 ~~2020~~.

60

Section 2. This act shall take effect July 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12 Nov 2014
Meeting Date

SB156
Bill Number (if applicable)

Topic Early Childhood Music Education - Pilot

Amendment Barcode (if applicable)

Name Melina Rayna Svanhild Farley-Barratt

Job Title President

Address 8689 SE 69 Ter

Phone 352-226-7477

Trenton FL 32693
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Gainesville NOW

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

SB 156
Bill Number (if applicable)

Topic Early Childhood Music

Amendment Barcode (if applicable) _____

Name Keith Flaugh

Job Title Managing Director FL Citizens Alliance

Address _____
Street

Phone 239-250-3320

City _____ State _____ Zip _____

Email KEITH@60FLCA.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Citizens Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/19

Meeting Date

156

Bill Number (if applicable)

Topic Early Childhood Music Education Incentive Amendment Barcode (if applicable)

Name Karen Mazzola Pilot Program

Job Title Treasurer

Address 1747 Orlando Central Parkway Phone 407-855-7604

Street

Orlando FL 32809

City

State

Zip

Email Treasurer@floridapta.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11-12-19

Meeting Date

SB-156

Bill Number (if applicable)

Topic EARLY CHILDHOOD MUSIC EDUCATION

Amendment Barcode (if applicable)

Name PABLO J. CALVO

Job Title DIRECTOR OF COMMUNITY ENGAGEMENT

Address 1475 W CYPRESS CREEK RD

Phone 954-377-2188

Street

FORT LAUDERDALE, FL

33309

Email PCALVO@ELC.BROWARD.FL.GOV

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing EARLY LEARNING SOLUTION OF BROWARD COUNTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 168

INTRODUCER: Education Committee and Senator Cruz and others

SUBJECT: Drinking Water in Public Schools

DATE: November 14, 2019 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Sikes	ED	Fav/CS
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 168 requires each school district to filter drinking water at each source for each district school built before 1986. Specifically, for such schools the bill requires each school district to:

- Install and maintain a filter that meets specified standards and capacity to reduce lead at each school water source.
- Post a conspicuous sign near each school non-drinking-water source warning that water from such source should not be used for human consumption or food preparation.
- Publish on the school district’s website information about filters and location for each drinking water source.

The bill provides a \$3 million nonrecurring appropriation from the Drinking Water Revolving Loan Trust Fund to the board of a county water and sewer district to implement the requirements of the bill.

The bill takes effect July 1, 2020.

II. Present Situation:

Lead is a common hazardous contaminant found in the plumbing systems of older homes, businesses and schools. Although rarely found in source water, lead can enter tap water through

the corrosion of aging plumbing materials. The three main sources of lead in water found in schools include:¹

- Lead-containing service lines connected to public water systems, most often in schools built prior to 1950;
- Lead solder used in copper piping systems prior to 1986; and
- Lead-containing brass or galvanized pipe and fittings, which includes many products manufactured prior to the mid-1990s.²

Lead is a neurotoxin that can accumulate in the body over time with long-lasting effects, particularly for children. Lead in a child's body can slow down growth and development, damage hearing and speech, and lead to learning disabilities. For adults, lead can have detrimental effects on cardiovascular, renal, and reproductive systems and can prompt memory loss. The concentration of lead, total amount consumed, and duration of exposure influence the severity of health effects.³ Lead in school drinking water is a concern because it is a daily source of water for over 50 million children enrolled in public schools.⁴

Federal Safe Water Requirements

The federal Safe Drinking Water Act (SDWA) was passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply.⁵ The SDWA authorizes the United States Environmental Protection Agency (EPA) to set standards for drinking water contaminants in public water systems.⁶ The SDWA applies to every public water system in the

¹ NSF, *Lead in School Water and Lead Plumbing Pipes*, <http://www.nsf.org/consumer-resources/water-quality/faucets-plumbing/lead-schools>, (last visited Oct. 24, 2019).

² In 1986, Congress amended the Safe Drinking Water Act (SDWA), prohibiting the use of pipes, solder, or flux that were not "lead free" in public water systems or plumbing providing water for human consumption. At the time "lead free" was defined as solder and flux with no more than 0.2 percent lead and pipes with no more than 8 percent. In 1996 Congress further amended the SDWA, requiring plumbing fittings and fixtures to be in compliance with voluntary lead leaching standards. The amendments also prohibited the sale of any pipe, pipe or plumbing fitting or fixture that is not lead free. United States Environmental Protection Agency, *Use of Lead Free Pipes, Fittings, Fixtures, Solder and Flux for Drinking Water*, <https://www.epa.gov/dwstandardsregulations/use-lead-free-pipes-fittings-fixtures-solder-and-flux-drinking-water> (last visited Oct. 24, 2019).

³ United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), available at <https://www.gao.gov/assets/700/692979.pdf>, at 5.

⁴ *Id.* at 1.

⁵ United States Environmental Protection Agency, *Understanding the Safe Drinking Water Act* (June 2004), available at <https://www.epa.gov/sites/production/files/2015-04/documents/epa816f04030.pdf>, at 1. The SDWA is administered through programs that establish standards and treatment requirements for public water supplies, finance drinking water infrastructure projects, promote water system compliance, and control the underground injection of fluids to protect underground sources of drinking water. Congressional Research Service, *Safe Drinking Water Act (SDWA): A Summary of the Act and Its Major Requirements* (Mar. 1. 2017), available at <https://fas.org/sgp/crs/misc/RL31243.pdf>, at 5.

⁶ United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), available at <https://www.gao.gov/assets/700/692979.pdf>, at 5. For a given contaminant the act requires the EPA to first establish a maximum contaminant level goal, which is the level at which no known or anticipated adverse effects on the health of persons occur and which allows an adequate margin of safety. EPA must then set an enforceable maximum contaminant level as close to the maximum contaminant level goal as is feasible, or require water systems to use a treatment technique to prevent known or anticipated adverse effects on the health of persons to the extent feasible.

United States, which are regulated by the EPA under the Lead and Copper Rule (LCR),⁷ as required by the SDWA.⁸

In the LCR, the EPA established a maximum contaminant level⁹ goal of zero, concluding that there was no established safe level of lead exposure. However, the rule established an “action level” of 15 micrograms of lead per liter (15 parts-per-billion (ppb)) of water, a level the EPA believed was generally representative of what could be feasibly achieved at the tap.¹⁰ If more than 10 percent of tap water samples exceed the lead action level of 15 ppb, then water systems are required to take specified treatment actions.¹¹

Because the LCR regulates public water systems, it does not directly address individual schools that are served by a public water system. There is no federal law requiring testing of lead in drinking water for schools receiving water from a public water system.¹² States and local jurisdictions may establish their own voluntary or mandatory programs for testing drinking water in schools and child-care facilities.¹³

The most direct oversight of water systems is conducted by state drinking water programs. States can apply to the EPA for “primacy,” the authority to implement the SDWA within their jurisdictions, if they can show that they will adopt standards at least as stringent as the EPA’s and make sure water systems meet these standards. All states and territories, except Wyoming and the District of Columbia, have received primacy.¹⁴

Florida Safe Water Requirements

The “Florida Safe Drinking Water Act”¹⁵ (Act) establishes the Florida Department of Environmental Protection (department) as the lead-agency with primary responsibility for the Act, with support by the Department of Health and its units, including county health departments. The Act is intended to:¹⁶

⁷ 40 C.F.R. Sections 141.80-141.91.

⁸ Pub. L. No. 93-523, 88 Stat. 1660 (1974). Under the Safe Drinking Water Act, the EPA is authorized to regulate contaminants in public drinking water systems. Since 1974, EPA has implemented its drinking water program under three separate legislative frameworks—first under the initial statute and subsequently under major amendments in 1986 and 1996. United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), available at <https://www.gao.gov/assets/700/692979.pdf>, at 2.

⁹ The maximum contaminant level goal is the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, allowing an adequate margin of safety.

¹⁰ United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), available at <https://www.gao.gov/assets/700/692979.pdf>, at 6.

¹¹ United States Environmental Protection Agency, *Basic Information about Lead in Drinking Water*, <https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water> (last visited Oct. 24, 2019).

¹² United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), available at <https://www.gao.gov/assets/700/692979.pdf>, at 2.

¹³ United States Environmental Protection Agency, *3Ts for Reducing Lead in Drinking Water Toolkit*, <https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water-toolkit> (last visited Oct. 24, 2019).

¹⁴ United States Environmental Protection Agency, *Understanding the Safe Drinking Water Act* (June 2004), available at <https://www.epa.gov/sites/production/files/2015-04/documents/epa816f04030.pdf>, at 2.

¹⁵ Section 403.850, F.S. The Act includes ss. 403.850-403.891, F.S.

¹⁶ Section 403.851, F.S.

- Implement the federal Safe Drinking Water Act.
- Encourage cooperation between federal, state, and local agencies, not only in their enforcement role, but also in their service and assistance roles to city and county elected bodies.
- Provide for safe drinking water at all times throughout the state, with due regard for economic factors and efficiency in government.

In Florida, lead is monitored by the LCR and state rules.¹⁷ The Inorganics Monitoring Rule¹⁸ requires specified public water systems¹⁹ to monitor for lead at each point of entry to its distribution system. This requires monitoring to occur after the water leaves the treatment plant, but before it reaches the water system's first customer.²⁰ The LCR also requires that public water systems notify the department that they have complied with their obligation to notify consumers of the results of lead and copper sampling.²¹

Florida law does not require schools to test or filter drinking water.²² However, Florida regulations do require that any school with an on-site potable water system must be in proper working order and comply with the Florida Safe Drinking Water Act, which requires sampling and testing of the water supply.²³

Florida School District Actions Relating to Lead in Water

Recent examples of Florida school districts testing for lead and taking remedial actions include the:

- Hillsborough County School District, which tested more than 1,780 individual drinking or cooking water sources, prioritizing older schools. Remediation actions include replacing the fixture, adding water filters, or other plumbing projects.²⁴

¹⁷ Florida Department of Environmental Protection, *Monitoring Lead and Copper in Florida Drinking Water*, <https://floridadep.gov/water/source-drinking-water/content/monitoring-lead-and-copper-florida-drinking-water> (last visited Oct. 24, 2019).

¹⁸ Rule 62-550.513, F.A.C.

¹⁹ Sections 403.852(3), (17), and (18). These include water systems that regularly serve at least 25 persons.

²⁰ Florida Department of Environmental Protection, *Monitoring Lead and Copper in Florida Drinking Water*, <https://floridadep.gov/water/source-drinking-water/content/monitoring-lead-and-copper-florida-drinking-water> (last visited Oct. 24, 2019).

²¹ *Id.*

²² Nationwide, an estimated 43 percent of school districts, serving 35 million students, tested for lead in school drinking water in 2016 or 2017, according to GAO's nationwide survey of school districts. An estimated 41 percent of school districts, serving 12 million students, had not tested for lead. GAO's survey showed that, among school districts that did test, an estimated 37 percent found elevated lead (lead at levels above their selected threshold for taking remedial action.). U.S. Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance*, <https://www.gao.gov/products/GAO-18-382> (last visited Oct. 24, 2019).

²³ Florida Department of Education, *State Requirements for Educational Facilities* (2014), available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/srefrule14.pdf>, at 62.

²⁴ Hillsborough County Public Schools, *Water Testing FAQ*, <https://www.sdhc.k12.fl.us/doc/2012/maintenance/resources/watertesting-faq/> (last visited Oct. 24, 2019). The testing revealed 1.5 percent of fixtures required remediation. Florida Department of Health, *Florida Department of Health in Hillsborough County Applauds School District's Lead Testing Efforts*, <http://hillsborough.floridahealth.gov/newsroom/2018/08/lead-testing-efforts.html> (last visited Oct. 24, 2019).

- Polk County School District, which implemented a testing program in 2016,²⁵ and prioritized testing for schools built before 1986. If results were above the action level, a correction plan was implemented, which included a flushing protocol with follow-up testing, bottled water, installation of NSF-approved lead contaminant filters, and new plumbing.²⁶

Filtering Water for Lead

Point-of-use (POU) and point-of-entry (POE) devices are different types of filtration options. A POU device is installed at each outlet, while a POE device is installed where the water enters the building. Specifically:²⁷

- POU units are commercially available and can be effective in removing lead. There are a number of POU cartridge filter units available that effectively remove lead. They can be relatively inexpensive (\$65 to \$250) or more expensive (\$250 to \$500)²⁸ and their effectiveness varies. Filters need routine maintenance (e.g., cartridge filter units need to be replaced periodically) to remain effective.
- POE devices are typically used by public water system under the SDWA, which are required to meet the federal and state regulations for drinking water, including additional water quality monitoring. In addition, POE devices are not effective in removing lead that comes from plumbing materials within the school.

The American National Standards Institute and NSF Standards

The American National Standards Institute (ANSI) is a private, non-profit organization that administers and coordinates the U.S. voluntary standards and conformity assessment system. Founded in 1918, the ANSI works in close collaboration with stakeholders from industry and government to identify and develop standards.²⁹

The National Sanitation Foundation (NSF)³⁰ is an independent, not-for-profit ANSI-accredited organization that facilitates development of consensus-based national standards for the safety,

²⁵ Pinellas County Schools, *Water Quality Assessment*,

<https://www.pcsb.org/site/handlers/filedownload.ashx?moduleinstanceid=39444&dataid=51816&FileName=water-treatment-brochure-v8-marksandbleed.pdf>.

²⁶ Polk County Schools, *Water Quality Assessment*, <https://polkschoolsfl.com/leadinformationcenter/> (last visited Oct. 24, 2019).

²⁷ United States Environmental Protection Agency, *3Ts: Training, Testing, Taking Action, Module 6: Remediation and Establishing Routine Practices, Remediation Options* (Oct. 2018), available at https://www.epa.gov/sites/production/files/2018-09/documents/module_6_remediation_options_508.pdf, at 2.

²⁸ Alachua County Schools recently began installing water filters at all schools in the district. The school district installed Omnipure K5615_KK filters that are NSF/ANSI-53 rated, with a maximum life of one year. The cost of such installation for all schools was \$30,000, which compares to an estimated cost of \$300,000 to test each school individually for lead contaminants. The Gainesville Sun, *Alachua County schools install filters to remove lead* (Oct. 15, 2018), <https://www.gainesville.com/news/20181015/alachua-county-schools-install-filters-to-remove-lead> (last visited Oct. 24, 2019).

²⁹ American National Standards Institute, *What is ANSI? An Overview*, available at

https://share.ansi.org/Shared%20Documents/News%20and%20Publications/Brochures/WhatIsANSI_brochure.pdf at 1.

³⁰ NSF International was founded as the National Sanitation Foundation in 1944, but changed its name to NSF International in 1990 with expansion of services beyond sanitation and into global markets. The letters NSF do not represent any specific words today. NSF, *Mission, Values, and History*, <http://www.nsf.org/about-nsf/mission-values-history> (last visited Oct. 24, 2019).

health and performance of food, water and consumer products. This includes developing standards for drinking water treatment products, including plumbing supplies, and testing these products to ensure their compliance with NSF and other consensus-based standards.³¹

In the 1970s, NSF led the development of standards for materials and products that treat or come in contact with drinking water, including water filters used in homes and businesses. While no federal regulations exist for residential water treatment filters, voluntary national standards and NSF International protocols have been developed that establish minimum requirements for the safety and performance of these products to treat drinking water. Most standards do not include filtering lead from drinking water, but apply to filters targeting other specified contaminants or aesthetic impurities, such as chlorine, bacteria, viruses, pharmaceuticals, microcystin, chemicals, or iodine.³²

NSF Standard 53 (NSF-53) *Drinking Water Treatment Units - Health Effects* is the nationally recognized standard for evaluating and certifying drinking water treatment systems for the reduction of contaminants.³³ NSF-53 establishes the minimum requirements for the certification of POU or POE filtration systems designed to reduce specific health-related contaminants, including lead, that may be present in drinking water.³⁴

Drinking Water State Revolving Trust Fund

The Drinking Water State Revolving Fund (DWSRF) program was created as part of the 1996 amendments to the SDWA³⁵ to help communities finance infrastructure improvements that are needed to protect public health and ensure compliance with federal drinking water standards. Each state provides a 20 percent match³⁶ to annual capitalization grants from the EPA, which provide low-interest loans and other types of assistance to eligible³⁷ public water systems. As

³¹ NSF, *Lead in School Water and Lead Plumbing Pipes*, <http://www.nsf.org/consumer-resources/water-quality/faucets-plumbing/lead-schools> (last visited Oct. 24, 2019).

³² NSF, *NSF Standards for Water Treatment Systems*, <http://www.nsf.org/consumer-resources/water-quality/water-filters-testing-treatment/standards-water-treatment-systems> (last visited Oct. 24, 2019).

³³ NSF, *Certified Product Listings for Lead Reduction*, http://info.nsf.org/Certified/DWTU/listings_leadreduction.asp?ProductFunction=053|Lead+Reduction&ProductFunction=058|Lead+Reduction&ProductType=&submit2=Search (last visited Oct. 24, 2019).

³⁴ NSF, *Residential Drinking Water Treatment Standards*, <http://www.nsf.org/services/by-industry/water-wastewater/residential-water-treatment/residential-drinking-water-treatment-standards> (last visited Oct. 24, 2019).

NSF/ANSI Standard 61 (NSF-61) *Drinking Water System Components – Health Effects* relates to plumbing products and water treatment and establishes requirements for the control of equipment that may introduce lead into drinking water because of the materials used in the product. NSF, *Lead in School Water and Lead Plumbing Pipes*, <http://www.nsf.org/consumer-resources/water-quality/faucets-plumbing/lead-schools> (last visited Oct. 24, 2019). However, this standard does not include POU devices. NSF, *NSF/ANSI-61-2016*, available at https://www.nsf.org/newsroom_pdf/NSF-ANSI_61_watemarked.pdf, at 1.

³⁵ Public Law 104-182, 110 Stat. 1613.

³⁶ The 2019 GAA appropriated \$11,090,000 in general revenue funds and authorized the use of \$114,457,958 from the Drinking Water Revolving Loan Trust Fund. Specific Appropriation 1659, ch. 2019-115, L.O.F.

³⁷ Eligible water systems for DWSRF financial assistance include: existing privately-owned and publicly-owned community water systems and non-profit non-community water systems, including systems utilizing point of entry or residential central treatment; and new community water systems that represent cost-effective solutions to existing public health problems with serious risks. U.S. Environmental Protection Agency, *Drinking Water State Revolving Fund Eligibility Handbook* (June 2017), available at https://www.epa.gov/sites/production/files/2019-10/documents/dwsrf_eligibility_handbook_june_13_2017_updated_508_versioni.pdf, at 8.

water systems repay their loans, the repayments and interest flow back into the dedicated revolving fund, which may be used to make additional loans. The DWSRF programs are administered by state agencies that oversee drinking water systems and therefore can effectively prioritize infrastructure needs for funding.³⁸

The DWSRF program funds a wide range of drinking water infrastructure projects. The six categories of projects that are eligible to receive DWSRF assistance are:³⁹

- Treatment: Installation or upgrade of facilities to improve drinking water quality to comply with SDWA regulations. POU and POE treatment devices (i.e. filters) are only eligible if the device is a designated compliance treatment technology⁴⁰ and is owned and maintained by the public water system.⁴¹
- Transmission and distribution: Rehabilitation, replacement, or installation of pipes to improve water pressure to safe levels or to prevent contamination caused by leaky or broken pipes.
- Source: Rehabilitation of wells or development of eligible sources to replace contaminated sources.
- Storage: Installation or upgrade of finished water storage tanks to prevent microbiological contamination from entering the distribution system.
- Consolidation: Interconnecting two or more water systems.
- Creation of new systems: Construction of a new system to serve homes with contaminated individual wells or consolidation of existing systems into a new regional water system.

Each state is currently authorized to transfer up to 33 percent of its capitalization grants between the DWSRF and the Clean Water State Revolving Fund (CWSRF).⁴² Recent legislation⁴³ authorized states, in consultation with the EPA, to transfer up to 5 percent more of the federal grant funds in their CWSRF to their DWSRF for projects to address public health threats related to lead exposure in drinking water. States may use transferred funds to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these).

³⁸ U.S. Department of Environmental Protection, *Drinking Water State Revolving Fund* (September 2018), available at https://www.epa.gov/sites/production/files/2019-11/documents/fact_sheet_-_dwsrf_overview_final_0.pdf, at 1.

³⁹ U.S. Department of Environmental Protection, *DWSRF Eligibilities*, <https://www.epa.gov/dwsrf/dwsrf-eligibilities-0> (last visited Nov. 13, 2019), see also 40 CFR 35.3520.

⁴⁰ The challenges facing small public water systems (systems serving 10,000 people or fewer) were a major focus of the 1996 Amendments SDWA. One way Congress sought to help systems meet these challenges was by explicitly allowing systems to install POU and POE treatment devices to achieve compliance with some of the maximum contaminant levels established in the National Primary Drinking Water Regulations. POU filters that are identified by the EPA as small system compliance technology (SSCT) for lead reduction are those that employ cation exchange and reverse osmosis. Distillation filters will reduce lead, but are not listed by the EPA as SSCT filters. U.S. Environmental Protection Agency, *Point-of-Use or Point-of-Entry Treatment Options for Small Drinking Water Systems* (April 2006), available at https://www.epa.gov/sites/production/files/2015-09/documents/guide_smallsystems_pou-poe_june6-2006.pdf at 3-3.

⁴¹ U.S. Department of Environmental Protection, *Drinking Water State Revolving Fund Eligibility Handbook* (June 2017), available at https://www.epa.gov/sites/production/files/2019-10/documents/dwsrf_eligibility_handbook_june_13_2017_updated_508_version1.pdf, at 10.

⁴² The CWSRF is similar to the DWSRF, except is targeted toward wastewater infrastructure projects.

⁴³ Public Law No: 116-63, 133 Stat. 1120 (Oct. 4, 2019).

Florida law⁴⁴ establishes the state Drinking Water Revolving Loan Trust Fund administered by the Florida Department of Environmental Protection (DEP) to make, loans, grants, and deposits to various water systems to assist them in planning, designing, and constructing public water systems. The DEP receives requests for funding, which are used to establish the annual project priority list.⁴⁵ Specific to lead abatement, the Florida DWSRF program may provide loans for:⁴⁶

- Replacement of water supplies with new sources.
- Construction or upgrade of treatment facilities.
- Lining or coating a lead service line.
- Lead service line replacement.

III. Effect of Proposed Changes:

CS/SB 168 requires each school district to filter drinking water at each source for each district school built before 1986. Specifically, for such schools the bill requires each school district to:

- Install and maintain a filter that meets specified standards and capacity to reduce lead at each school water source.
- Post a conspicuous sign near each school non-drinking-water source warning that water from such source should not be used for human consumption or food preparation.
- Publish on the school district’s website information about filters and location for each drinking water source.

The bill creates s. 1013.29, F.S., to control or eliminate lead in school water sources to prevent the harmful effects of lead poisoning. The bill requires, subject to appropriation by the legislature, each district board⁴⁷ to coordinate with the local school district to determine which district schools were built before 1986, and to provide funding for school districts to:

- Install a point of use filter⁴⁸ that reduces lead content in drinking water on each drinking water source⁴⁹ and maintain each filter in a manner consistent with the manufacturer’s recommendations. In addition, the filter:
 - Must be installed by school district staff.
 - Must meet the National Sanitation Foundation/American National Standards Institute Standard 53: Drinking Water Treatment Units-Health Effects.

⁴⁴ Section 403.8533, F.S. See also s. 403.8532, F.S.

⁴⁵ Florida Department of Environmental Protection, *DWSRF Program*, <https://floridadep.gov/wra/srf/content/dwsrf-program> (last visited Nov. 12, 2019).

⁴⁶ Florida Department of Environmental Protection, *Funding Assistance in Florida for Drinking Water Systems with Excessive Lead and Copper*, https://floridadep.gov/sites/default/files/FundingLeadCopper_DrinkingWater.pdf (last visited Nov. 12, 2019).

⁴⁷ The “district board” is the board of county commissioners of any county constituting the governing body of any water and sewer district, and acting for and on behalf of such district as a body corporate and politic. Section 153.52(3), F.S. A county water and sewer district is a special district, which a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. Section 189.012(6), F.S. Special districts are very similar to municipalities and counties, but with local specialized governmental services and limited, related, and explicit powers. Florida Department of Economic Opportunity, *Introduction to Special Districts*, <http://www.floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program/florida-special-district-handbook-online/introduction-to-special-districts> (last visited Nov. 13, 2019).

⁴⁸ The bill defines a “point of use filter” or “filter” as a water filtration system that treats water at a single tap.

⁴⁹ The bill defines a “drinking water source” as any water source used for drinking, food preparation, or cooking, and includes water fountains, ice makers, and kitchen sinks.

- Must have a certified capacity of 7,900 gallons and, at a minimum, must be changed or replaced annually.
- Post a conspicuous sign near each school water source that is not a drinking water source. The sign must include wording and an image that clearly communicate that water from the source should not be used for human consumption, food preparation, or cooking.
- Publish on the school district's website a list of drinking water sources at such schools. At a minimum, the list must include for each drinking water source all of the following:
 - The date on which the current filter was installed.
 - The date on which the current filter is scheduled to be replaced.
 - The location of each water source.
 - Any actions necessary to comply with the requirements of the law which have been completed or are pending.

The bill authorizes the State Board of Education to adopt rules to implement these requirements.

The bill appropriates, for the 2020-2021 fiscal year, \$3 million in nonrecurring funds from the Drinking Water Revolving Loan Trust Fund to boards of county water and sewer districts to implement these requirements. In addition, each such board may request additional funds for the purpose of compensating school district staff for the installation or replacement of filters. However, additional funds provided may not exceed the total appropriation.

The bill requires point-of-use water filtration devices on specified drinking water sources, but does not amend the Florida Safe Drinking Water Act to require a school district to have water at district schools tested for lead. The installation of such filters may lower the risk of students and school personnel ingesting lead through drinking water. The bill may also increase public awareness of the risks of lead in drinking water, specifically in schools.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Vendors that provide water filters, filter replacements, and signage may realize additional revenue from school districts in implementing the requirements of the bill.⁵⁰

C. Government Sector Impact:

CS/SB 168 appropriates \$3 million in nonrecurring funds from the Drinking Water Revolving Loan Trust Fund to the board of the county water and sewer district to implement the provisions of the bill.

According to the Department of Education (DOE),⁵¹ there are 1,746 public schools in the state built prior to 1987, with a total of 1,124,204 student stations. Florida Building Codes require one water fountain for every 100 occupants or a fraction thereof. The total occupancy of 1,124,204 will necessitate the installation of 11,242 water filters. FISH also lists 2,656 kitchens in these schools. These include school dormitory and voc-tech kitchens.⁵² If these kitchens have an average of five water sources per kitchen, 10,624 water filters would be required.

The estimated cost for each new water filter and installation is \$323.20. Using this information, the DOE estimates that the costs for the initial installation of water filters and regular replacement of filters will be:

Initial cost for filter installation:

Number of Drinking Fountains	New Filter and Installation	Installed Cost
11,242	\$323.20	\$3,633,414
Number of Kitchen Fixtures	New Filter and Installation	Installed Cost
13,280	\$323.20	\$4,292,096

The total estimated filter installation cost for traditional public schools is \$7,925,510.

⁵⁰ Florida Department of Education, *2020 Agency Analysis of SB 168* (Sept. 9, 2019), at 5.

⁵¹ *Id.* at 4.

⁵² School dormitory facilities are primarily at the Florida School for the Deaf and the Blind, but residential facilities make up less than 1 percent of the affected facilities. Career centers operated by district school boards are included in the number of public schools built prior to 1987. Email, Florida Department of Education (Nov. 5, 2019).

Recurring costs for filter replacements:

Number of Drinking Fountains 11,242	Filter Replacement and Installation \$129.25	Changes Per Year 1	Annual Replacement Cost \$1,453,028
Number of Kitchen Filters 10,624	Filter Replacement and Installation \$129.25	Changes Per Year 4	Annual Replacement Cost \$5,492,608
Number of Ice Maker Filters 2,656	Filter Replacement and Installation \$129.25	Changes Per Year 2	Annual Replacement Cost \$686,576

The total estimated annual recurring cost for traditional public schools is \$7,632,212.

The DOE does not track the date of construction for charter school buildings. Therefore, the costs of new filter installation and annual filter replacements for charter schools are indeterminable.⁵³ The bill does not specify if charter schools are included in the requirements regarding filtering, signage, or publishing information on schools’ websites.

The cost to each school district to install signage at each school water source that is not a drinking water source and for development and maintenance of a website of drinking water sources is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1013.29 of the Florida Statutes.
This bill creates an unnumbered section of law.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education on Nov. 12, 2019:

The committee substitute maintains the filtering, signage, and website tracking requirements in the bill, but also:

⁵³ Florida Department of Education, *2020 Agency Analysis of SB 168* (Sept. 9, 2019), at 5.

- Requires each board of a county water and sewer district and district school board to determine schools built before 1986, and the water and sewer district board to, subject to appropriation, provide funding to the district school board to complete the filtering, signage, and website tracking requirements.
- Appropriates \$3 million in nonrecurring funds from the Drinking Water Revolving Loan Trust Fund to the board of a county water and sewer district to implement requirements in the bill.
- Authorizes the board of a county water and sewer district, rather than district school boards, to request additional funds to compensate school districts for staff installation or replacement of filters. Funds provided for such requests may not exceed the total appropriation.
- Requires the State Board of Education to adopt rules.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/13/2019	.	
	.	
	.	
	.	

The Committee on Education (Cruz) recommended the following:

Senate Amendment (with title amendment)

Delete lines 37 - 74
and insert:

(3) Subject to the appropriation of funds by the
Legislature, each district board as defined in s. 153.52 shall
coordinate with its local district school board to determine
which district schools were built before 1986 and shall provide
funding to such schools for the purposes specified under this
section. As applicable, each school district shall:

(a) Install a point of use filter that reduces the lead



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12 content in drinking water on each drinking water source and
13 maintain such filters in a manner consistent with the
14 manufacturer's recommendations.

15 1. The filter must be installed by a school district staff
16 member.

17 2. The filter or all of its component parts must meet the
18 NSF International/American National Standards Institute Standard
19 53: Drinking Water Treatment Units-Health Effects.

20 3. The filter must have a certified capacity of 7,900
21 gallons and, at a minimum, must be changed or replaced annually.

22 (b) Post a conspicuous sign near each school water source
23 that is not a drinking water source. The sign must include
24 wording and an image that clearly communicate that water from
25 the source should not be used for human consumption or, if
26 applicable, for food preparation or cooking.

27 (c) The district school board shall publish on its website
28 a list of drinking water sources at such schools. At a minimum,
29 the list must include, for each drinking water source, all of
30 the following:

31 1. The date on which the current filter was installed.

32 2. The date on which the current filter is scheduled to be
33 replaced.

34 3. The location of each drinking water source.

35 4. Any actions necessary to comply with the requirements of
36 this section which have been completed or are pending.

37 (4) Each district board as defined in s. 153.52 may request
38 additional funds for the purpose of compensating school district
39 staff for the installation or replacement of filters. Funds
40 provided pursuant to this subsection may not be more than the



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41 total appropriation provided to implement this section.

42 (5) The State Board of Education shall adopt rules to
43 administer this section.

44 Section 2. For the 2020-2021 fiscal year, the sum of \$3
45 million in nonrecurring funds is appropriated from the Drinking
46 Water Revolving Loan Trust Fund to district boards as defined in
47 s. 153.52, Florida Statutes, for the purpose of implementing s.
48 1013.29, Florida Statutes, as created by this act.

49
50 ===== T I T L E A M E N D M E N T =====

51 And the title is amended as follows:

52 Delete lines 5 - 13

53 and insert:

54 appropriation, requiring district boards to coordinate
55 with district school boards to identify certain
56 schools and to provide funding to such schools;
57 requiring certain school districts to install filters
58 that meet certain specifications on drinking water
59 sources; requiring such schools to post certain
60 signage on certain water sources and school boards to
61 publish specified information on school district
62 websites; authorizing district boards to request
63 additional funding to compensate school district staff
64 for the installation or replacement of filters;
65 limiting the additional funding to not more than the
66 amount appropriated; requiring the State Board of
67 Education to adopt rules; providing an appropriation;

By Senator Cruz

18-00075A-20

2020168__

A bill to be entitled

An act relating to drinking water in public schools; creating s. 1013.29, F.S.; providing legislative findings; defining terms; subject to legislative appropriation, requiring each school district to install filters that meet certain specifications on drinking water sources; requiring such schools to post certain signage on certain water sources and to publish specified information on the school district's website; authorizing school districts to request additional funding to compensate school district staff for the installation or replacement of filters; providing for rulemaking; providing an appropriation; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1013.29, Florida Statutes, is created to read:

1013.29 Prevention of lead in drinking water in public schools.—

(1) The Legislature finds that:

(a) The adverse health effects of lead exposure in children and adults are well documented and no safe blood lead level in children has been identified;

(b) Lead accumulates in the body and can be ingested from various sources, including water sources used for drinking, food preparation, or cooking; and

(c) All sources of lead should be controlled or eliminated

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

18-00075A-20

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to prevent childhood lead poisoning.

(2) As used in this section, the term:

(a) "Drinking water source" means any water source used for drinking, food preparation, or cooking. The term also includes water fountains, ice makers, and kitchen sinks.

(b) "Point of use filter" or "filter" means a water filtration system that treats water at a single tap.

(3) Subject to the appropriation of funds by the Legislature, for each district school that was built before 1986, each school district shall:

(a) Install a point of use filter that reduces the lead content in drinking water on each drinking water source and maintain such filters in a manner consistent with the manufacturer's recommendations.

1. The filter must be installed by a school district staff member.

2. The filter or all of its component parts must meet the NSF International/American National Standards Institute Standard 53: Drinking Water Treatment Units-Health Effects.

3. The filter must have a certified capacity of 7,900 gallons and, at a minimum, must be changed or replaced annually.

(b) Post a conspicuous sign near each school water source that is not a drinking water source. The sign must include wording and an image that clearly communicate that water from the source should not be used for human consumption or, if applicable, for food preparation or cooking.

(c) Publish on its website a list of drinking water sources at such schools. At a minimum, the list must include, for each drinking water source, all of the following:

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

18-00075A-20

2020168__

- 59 1. The date on which the current filter was installed.
60 2. The date on which the current filter is scheduled to be
61 replaced.
62 3. The location of each drinking water source.
63 4. Any actions necessary to comply with the requirements of
64 this section which have been completed or are pending.
65 (4) Each school district may request additional funds for
66 the purpose of compensating school district staff for the
67 installation or replacement of filters.
68 (5) The Department of Education shall adopt rules to
69 administer this section.
70 Section 2. For the 2020-2021 fiscal year, the sum of \$3
71 million in recurring funds is appropriated from the General
72 Revenue Fund to the Department of Education for the purpose of
73 implementing s. 1013.29, Florida Statutes, as created by this
74 act.
75 Section 3. This act shall take effect July 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/19
Meeting Date

168
Bill Number (if applicable)

Topic DRINKING WATER IN PUBLIC SCHOOLS

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 9830 ELM ST.
Street

Phone 941-323-2404

DC MD 21842
City State Zip

Email cullensasa@aol.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ADVOCACY INSTITUTE FOR CHILDREN

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11-12-19

Meeting Date

168

Bill Number (if applicable)

Topic Lead in School Drinking Water Amendment Barcode (if applicable)

Name Amy Datz

Job Title Retired Environmental Scientist

Address _____

Street

Phone (850)322-7599

amalie.datz@mac.com

Email com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Environmental Caucus of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/19
Meeting Date

SB 168
Bill Number (if applicable)

Topic SB 168 Drinking Water

Amendment Barcode (if applicable)

Name Jason Pepe

Job Title Government Relations Hillsborough Schools

Address 901 E. Kennedy Blvd. Phone 813 272-4000
Street

Tampa FL 33602 Email _____
City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/13

Meeting Date

SB 0168

Bill Number (if applicable)

Topic Drinking water in Public schools

Amendment Barcode (if applicable)

Name Lindsay Cross

Job Title Government Relations Director

Address 1700 N Monroe #11-286

Phone _____

Street

Tally

City

State

32308

Zip

Email lindsay.c.fcvoters.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida conservation voters

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 160

Bill Number (if applicable)

Meeting Date

Topic Drinking Water in Public Schools

Amendment Barcode (if applicable)

Name Keith Flaugh

Job Title Managing Director - FL Citizens Alliance

Address _____

Phone 239-250-3520

Street _____
City Mango Island State FL Zip _____

Email KEITH@GOFLCA.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Citizens Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/14

Meeting Date

168

Bill Number (if applicable)

Topic Drinking Water in Public Schools

Amendment Barcode (if applicable)

Name Karen Mazzola

Job Title Treasurer

Address 1747 Orlando Central Parkway

Phone 407-855-7604

Street

Orlando

FL

32809

City

State

Zip

Email Treasurer@floridapta.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/2019
Meeting Date

SB 168
Bill Number (if applicable)

Topic Lead in Schools' water

Amendment Barcode (if applicable)

Name Ryann Lynn

Job Title Climate Advocate

Address 412 W Jefferson St #323
Street

Phone (847) 644-7929

Tallahassee FL 32301
City State Zip

Email rlynn@environment
Florida.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Environment Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/19
Meeting Date

168
Bill Number (if applicable)

Topic Drinking Water in Public Schools

Amendment Barcode (if applicable)

Name Doug Bell

Job Title _____

Address 119 S. Mouras St.
Street

Phone 850 205 9000

TLH FL 32312
City State Zip

Email doug.belle@whdfirm.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Chapter, American Academy of Pediatrics

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/19
Meeting/Date

168
Bill Number (if applicable)

Topic DRINKING WATER IN PUBLIC SCHOOLS

Amendment Barcode (if applicable)

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 356

INTRODUCER: Senator Hutson

SUBJECT: Keep Our Graduates Working Act

DATE: November 8, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Sikes	ED	Favorable
2.	_____	_____	IT	_____
3.	_____	_____	RC	_____

I. Summary:

SB 356 removes the state authority to take disciplinary action against a healthcare practitioner who defaults on a federal- or state-guaranteed student loan or who fails to comply with the terms of a service scholarship. The effect is that such practitioners may not have their licenses suspended or revoked by the Department of Health solely because of a loan default or failure to complete service scholarship obligations.

The bill takes effect on July 1, 2020.

II. Present Situation:

Student Loans

Student loans help to cover the education expenses at a university, college, or technical school, and may originate from the federal government or from other sources, such as a bank, credit union, state agency, or school.¹

Federal Loans

The United States Department of Education (USDOE) federal student loan program is the William D. Ford Federal Direct Loan (Direct Loan) Program, under which eligible students and parents borrow directly from the USDOE at participating schools.²

¹ USA.gov, *Financial Aid for Students*, <https://www.usa.gov/financial-aid#item-206091> (last visited Oct. 31, 2019).

² United States Department of Education, Federal Student Aid, *Federal student loans for college or career school are an investment in your future*, <https://studentaid.ed.gov/sa/types/loans#types> (last visited Oct. 31, 2019). Direct subsidized and unsubsidized loans are also called federal Stafford Loans. Loans under the Health Education Assistance Loan (HEAL) program were discontinued on Sept. 30, 1998; loans under the Federal Family Education Loan (FFEL) program were discontinued on July 1, 2010.

The Florida Department of Education (DOE), Office of Student Financial Assistance (OSFA) serves as a guarantor for the Federal Family Education Loan (FFEL) Program³ and the administrator of Florida's scholarship and grant programs.⁴

Federal Student Loan Default

Nationally, about 65 percent of college seniors who graduated from public and private nonprofit colleges in 2018 had student loan debt. Baccalaureate degree recipients graduating in 2018 owed an average of \$29,200.⁵ The average debt of 2018 Florida graduates was \$24,428.⁶

In a 2016 cohort of 4,533,276 borrowers who entered repayment on a direct federal loan or guaranteed federal loan, 458,687 borrowers defaulted⁷ on the loan, which is a student loan cohort default rate⁸ of 10.1 percent.⁹ State default rates ranged from 5.8 percent in Massachusetts to 18.1 percent in Nevada. Florida's 2016 default rate was 7.3 percent (of the 250,615 borrowers in Florida who entered repayment in 2016, 18,378 borrowers defaulted on the loan).

The DOE is directed to exert every lawful and reasonable effort to collect all delinquent unpaid student loan notes and defaulted guaranteed loan notes.¹⁰ State penalties for borrowers in default include a prohibition on that borrower from receiving his or her academic transcripts or other student records until such time as the loan is paid in full or the default status has been removed,¹¹ or being charged the maximum interest rate authorized by law.¹²

³ Rule 6A-20.099, F.A.C. Under the Federal Family Education Loan (FFEL) Program, private lenders made federal student loans to students, and guaranty agencies insured these funds, which were, in turn, reinsured by the federal government. As a result of the Health Care and Education Reconciliation Act of 2010, no new FFEL Program loans were made, beginning July 1, 2010. United States Department of Education, Federal Student Aid, *FFEL Program Lender and Guaranty Agency Reports*, <https://studentaid.ed.gov/sa/about/data-center/lender-guaranty> (last visited Oct. 31, 2019). However, guaranty agencies continue to service outstanding FFEL program loans.

⁴ Florida Department of Education, Office of Student Financial Assistance, http://www.floridastudentfinancialaid.org/FFELP/mission_statement/mission_statement_052606.html (last visited Oct. 31, 2019).

⁵ The Institute for College Access & Success, *Student Debt and the Class of 2018* (Sept. 2019), available at <https://ticas.org/wp-content/uploads/2019/09/classof2018.pdf>, at 4.

⁶ *Id.* at 10.

⁷ For a loan made under the William D. Ford Federal Direct Loan Program or the Federal Family Education Loan Program, a borrower is considered to be in default if the borrower fails to make scheduled student loan payments for a period of at least 270 days (about nine months). United States Department of Education, Federal Student Aid, *Don't ignore your student loan payments or you'll risk going into default*, <https://studentaid.ed.gov/sa/repay-loans/default> (last visited Oct. 31, 2019).

⁸ For schools having 30 or more borrowers entering repayment in a fiscal year, a school's cohort default rate is the percentage of a school's borrowers who enter repayment on Federal Stafford Loans and Direct Stafford/Ford Loans during that fiscal year and default within the cohort default period (a school with 29 or few borrowers is assigned an average default rate). The 2016 cohort includes borrowers who entered repayment in 2016 and defaulted in 2016-2018, and is reported in 2019. United States Department of Education, Federal Student Aid, 2.1 *How the Cohort Default Rates are Calculated*, available at <https://ifap.ed.gov/DefaultManagement/guide/attachments/CDRGuideCh2Pt1CDRCalculation.pdf>, at 2.

⁹ United States Department of Education, Federal Student Aid, *National Student Loan Cohort Default Rates*, available at <https://ifap.ed.gov/eannouncements/attachments/FY16OfficialNationalRates.pdf>.

¹⁰ Section 1009.95, F.S. For accounts determined to be severely delinquent, the Commissioner is authorized to contract for commercial collection services to assist in collecting the amount due. Rule 6A-20.024, F.A.C.

¹¹ Section 1009.95(5), F.S.

¹² Section 1009.95(6), F.S.

Health-Related Federal and State Service Scholarships

A service scholarship is an award to a student to further his or her education which imposes an obligation on the student to complete certain work-related requirements. Examples of health-related service scholarship programs administered by the United States Department of Health and Human Services (USDHHS) include:¹³

- The National Health Service Corps (NHSC), which requires a commitment of at least two years at an NHSC-approved site;
- Primary Care Loans, which have a residency requirement and a requirement to practice primary care for 10 years or until the loan is paid in full; and the
- The Nurse Corps Scholarship Program, which upon graduation requires employment at an eligible facility with a critical shortage of nurses.

In 1992, the Legislature created the Florida Health Services Corps, administered by the Department of Health (DOH), which required a student who received a scholarship to accept an assignment in a public health care program or work in a medically underserved area upon completion of primary care training. Noncompliance with participation requirements would result in ineligibility for professional licensure or renewal of licensure.¹⁴

Professional Licensure

A professional or occupational license is a credential that demonstrates a level of skill or knowledge needed to perform a specific job. The credential is awarded by a governmental licensing agency based on pre-determined criteria, which may include some combination of degree attainment, certifications, educational certificates, assessments, apprenticeship programs, or work experience. The license is a legal authority to work in an occupation.¹⁵

More than 25 percent of United States workers now require a license to practice their professions, compared with 5 percent who needed a license in the 1950s.¹⁶

Licensure Action for Default on Student Loans

In the 1990s, urged by the USDOE,¹⁷ states began adopting laws requiring regulatory boards to suspend professional licenses if the board received notice from an education commission

¹³ United States Health and Human Services, Health Resources and Services Administration, *Loans & Scholarships*, <https://bhwhrsa.gov/loans-scholarships> (last visited Nov. 4, 2019).

¹⁴ Section 111, ch. 1992-33, L.O.F., creating s. 381.0302, F.S., repealed by s. 45, ch. 2012-184, L.O.F.

¹⁵ United States Department of Labor, *Labor Force Statistics from the Current Population Survey*, <https://www.bls.gov/cps/certifications-and-licenses-faqs.htm#whatare> (last visited Oct. 31, 2019).

¹⁶ National Conference of State Legislatures, *License Suspension for Student Loan Defaulters*, <http://www.ncsl.org/research/labor-and-employment/license-suspension-for-student-loan-defaulters.aspx> (last visited Oct. 31, 2019).

¹⁷ The USDOE recommended that Governors and state legislators send a strong message to students, postsecondary institutions, and lenders that high default rates will not be tolerated. The DOE specifically recommended that states enact legislation to deny professional licenses to defaulters until they make adequate repayment arrangements. United States Department of Education, *Reducing Student Loan Defaults: A Plan for Action* (1990), available at <https://files.eric.ed.gov/fulltext/ED323879.pdf>, at 63.

informing them that an applicant held outstanding student loans. Around 2010, at the height of this legislative trend, roughly half of the states had some form of license suspension for default.¹⁸

In 2002,¹⁹ the DOH was authorized to take disciplinary action against a healthcare practitioner for failing to repay a federal or state loan or comply with service scholarship obligations. At the time, the USDHHS reported that Florida had 556 healthcare providers in default on student loans or service obligations, which totaled \$45.6 million.

Supporters of laws requiring license suspension for default maintain that the threat of losing a license is a powerful incentive to stay current on loan payments and decreases defaults. Also, such laws are not as harsh as they seem, allowing defaulters to avoid license suspension by simply entering into a repayment plan.²⁰

Proponents of repealing license suspension laws for loan defaults argue that:²¹

- States should not use licensing authority as a tool of punitive debt collection. The core purpose of licensing should be to protect public safety and certify professional competency.
- Such laws force state professional boards to operate as de facto debt collectors for education loans, the vast majority of which are held by the federal government.
- Suspending licenses decreases the likelihood that the defaulter will repay the loan, since licensed occupations often pay higher wages than unlicensed jobs.

From 2015 to 2019, Alaska, Illinois, Kentucky, Montana, New Jersey, North Dakota, Oklahoma, Texas, and Washington repealed state laws regarding license suspension for default.²²

In February 2019, Senators Marco Rubio and Elizabeth Warren reintroduced the Protecting JOBS Act to prohibit states from suspending, revoking, or denying state-issued professional licenses or issuing penalties due to student default on a federal education or health education loan, which would include the FFEL Program, Direct Loan program, and HEAL program loans.²³

Department of Health Licensure

The Division of Medical Quality Assurance (MQA) in the DOH licenses and regulates more than 200 license types in over 40 professions, while partnering with 22 boards and four councils.²⁴

¹⁸ National Conference of State Legislatures, *License Suspension for Student Loan Defaulters*, <http://www.ncsl.org/research/labor-and-employment/license-suspension-for-student-loan-defaulters.aspx> (last visited Oct. 31, 2019). License suspension for default varies in scope—some states include all licenses and all types of loans, some states include driver’s licenses or education loans. Florida and four other states apply the penalty only to health care professionals.

¹⁹ Section 2, ch. 2002-254, L.O.F.

²⁰ National Conference of State Legislatures, *License Suspension for Student Loan Defaulters*, <http://www.ncsl.org/research/labor-and-employment/license-suspension-for-student-loan-defaulters.aspx> (last visited Oct. 31, 2019).

²¹ *Id.*

²² *Id.*

²³ Congress.Gov, *S.609-Protecting Jobs Act*, <https://www.congress.gov/bill/116th-congress/senate-bill/609/text> (last visited Oct. 31, 2019). An identical bill (H.R. 3689) was introduced in the House of Representatives by Rep. Donna Shalala.

²⁴ Florida Department of Health, *Annual Report and Long-range Plan Fiscal Year 2018-2019*, available at http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/_documents/annual-report-1819.pdf, at 6. MQA regulatory boards include acupuncture, athletic trainers, medicine, nursing, osteopathic medicine, pharmacy, and speech-language pathology and audiology. Councils, which serve an advisory function, are Dietetics and Nutrition Practice,

The MQA currently licenses 998,513 active-in-state practitioners,²⁵ and regulates 59 healthcare professions, including:²⁶

- Acupuncture;
- Athletic Trainer;
- Certified Nursing Assistant;
- Dentist;
- Emergency Medical Technician;
- Medical Doctor;
- Mental Health Counselor;
- Physical Therapist;
- Psychologist;
- Registered Nurse;
- School Psychologist; and
- Septic Tank Contractor

Florida Department of Health Licensure Disciplinary Actions

The DOH is authorized to take disciplinary action on persons licensees who commit offenses or violations specified in law.²⁷ Such violations include:²⁸

- Failure to repay a federal- or state-guaranteed student loan in accordance with the terms of the loan; or
- Failure to comply with service scholarship obligations, which is considered a failure to perform a statutory or legal obligation.

The minimum disciplinary action imposed must be a suspension of the license until new payment terms are agreed upon or the scholarship obligation is resumed, followed by probation for the duration of the student loan or remaining scholarship obligation period, and a fine equal to 10 percent of the defaulted loan amount.

To implement this requirement, the DOH is required to:

- Obtain from the USDHHS information necessary to investigate and prosecute health care practitioners for failing to repay a student loan or comply with scholarship service obligations, and include related information in its annual report to the Legislature.²⁹
- Notify the licensee in default that he or she is subject to immediate license suspension unless, within 45 days after notification, the licensee provides proof that new payment terms have been agreed upon by all parties to the loan. After 45 days the DOH must immediately suspend the license if the licensee fails to provide such proof.³⁰

Electrolysis, Licensed Midwifery, and Physician Assistants. *Id.* at 7. Chapter 456, F.S., provides for the regulation of health professions and occupations.

²⁵ Florida Department of Health, *Annual Report and Long-range Plan Fiscal Year 2018-2019*, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1819.pdf>, at 17.

²⁶ Florida Department of Health, *Licensing and Regulation*, <http://www.floridahealth.gov/licensing-and-regulation/index.html> (last visited Oct. 29, 2019).

²⁷ Section 456.072(1), F.S.

²⁸ Section 456.072(1)(k), F.S.

²⁹ Section 456.0721, F.S.

³⁰ Section 456.074(4), F.S.

In the 2017-2018 fiscal year, the DOH reported 850 student loan defaults, 76 completed investigations, and 26 emergency suspension orders filed. In the 2018-2019 fiscal year, the DOH reported 87 student loan defaults, 250 completed investigations, 121 emergency suspension orders filed, and further disciplinary action taken on 29 licensees.³¹ In 2018-2019, the most affected licensed professions were Certified Nursing Assistant (43 suspension orders) and Registered Nurse (18 suspension orders).³²

Licensure in Additional State Agencies

Other agencies provide professional and occupational licensing and certification, such as the:

- Department of Agriculture and Consumer Services;³³
- Department of Business and Professional Regulation;³⁴
- Department of Education;³⁵
- Department of Environmental Protection;³⁶
- Department of Financial Services;³⁷ or
- Department of Highway Safety and Motor Vehicles.³⁸

Each agency or affiliated board or commission is authorized to take action against a license or certificate based on violations of law or professional practice. However, no state law specifically authorizes such agencies to take disciplinary action against a license resulting from default on a student loan.

³¹ Florida Department of Health, *2019 Agency Analysis for SB 356* (Oct. 31, 2019), see also Florida Department of Health, *Annual Report and Long-range Plan Fiscal Year 2018-2019*, Table 14: Student Loan Defaults, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1819.pdf>, at 43.

³² Florida Department of Health, *Annual Report and Long-range Plan Fiscal Year 2018-2019*, Table 14: Student Loan Defaults, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1819.pdf>, at 43.

³³ The Florida Department of Agriculture and Consumer Services licenses such professions as dealers in agricultural products, pest control operators, professional surveyors and mappers, recovery agents, private investigators and private security, and liquefied propane dealers or installers.

³⁴ The Florida Department of Business and Professional Regulation is charged with licensing and regulating businesses and professionals such as cosmetologists, veterinarians, real estate agents and pari-mutuel wagering facilities. Florida Department of Business and Professional Regulation, *Department Overview*, <http://www.myfloridalicense.com/DBPR/about-us/department-overview/> (last visited Oct. 29, 2019).

³⁵ Florida educators must be certified to teach in public schools. Educators include classroom teachers, school administrators, and other support professionals, such as guidance counselors and media specialists. Florida Department of Education, *Educator Certification*, <http://www.fldoe.org/teaching/certification/> (last visited Oct. 29, 2019).

³⁶ The Florida Department of Environmental Protection is responsible for a professional licensure program for water and wastewater treatment plant operators along with water distribution system operators. Florida Department of Environmental Protection, *Certification and Restoration Program*, <https://floridadep.gov/water/certification-restoration> (last visited Oct. 29, 2019).

³⁷ The Florida Department of Financial Services licenses professions related to fire safety, funeral and cemetery services, and insurance. Florida Department of Financial Services, *Business and Professional*, <https://www.myfloridacfo.com/sitePages/services/display.aspx?a=Business%20and%20Professional> (last visited Oct. 29, 2019).

³⁸ The Florida Department of Highway Safety and Motor Vehicles licenses motor vehicle dealers, mobile home dealers, and recreational vehicle dealers. Florida Department of Highway Safety and Motor Vehicles, *Florida Motor Vehicle, Mobile Home, and Recreational Vehicle Dealers' Handbook* (2015), available at <https://www.flhsmv.gov/pdf/dealerservices/dealerhandbook.pdf>.

III. Effect of Proposed Changes:

SB 356 removes the state authority to take disciplinary action against a healthcare practitioner who defaults on a student loan or who fails to comply with the terms of a service scholarship. The effect is that such practitioners may not have their licenses suspended or revoked by the Department of Health (DOH) solely because of a loan default or failure to complete service scholarship obligations.

The bill creates s. 1009.951, F.S., to specify that a state authority may not suspend or revoke a license that it has issued to a person who is in default on or delinquent in the payment of his or her student loans solely on the basis of such default or delinquency.³⁹ The bill does not, however, forgive any student debt or remove the ability to suspend or revoke a health care practitioner's license for other violations specified in law.

The bill modifies s. 1009.95, F.S., to require that the Department of Education (DOE) comply with the requirements in s. 1009.951, F.S., in its efforts to collect delinquent loans. However, compliance with s. 1009.951, F.S., only applies to disciplinary actions on a license, and does not remove the authority of the DOE to engage a collection agency for delinquent loans, or to follow disciplinary actions specified in law related to academic transcripts or maximum interest rates.

The bill modifies DOH requirements to ensure that health care practitioners' licenses cannot be suspended or revoked because of default on a student loan or failure to comply with service scholarship obligations. Specifically, the bill:

- Modifies s. 456.072, F.S., to remove failure to repay a federal- or state-guaranteed student loan or failure to comply with service scholarship obligations from the list of violations for which the DOH may take disciplinary action.
- Modifies s. 456.074, F.S., to remove the requirement that the DOH notify a health care practitioner in default on a student loan that he or she is subject to suspension of a license unless the practitioner provide proof of repayment terms within 45 days of the notification.
- Repeals s. 456.0721, F.S., to remove the requirement that the DOH obtain monthly reports from the United States Department of Health and Human Services (USDHHS) regarding health care practitioners who have failed to repay a student loan or comply with scholarship service obligations.

The bill removes the authority to take disciplinary action against health care practitioners who are in default on a student loan guaranteed by the state or federal government. However, the bill may not remove all DOH requirements relating to student loan default, specifically relating to initial award or renewal of a license. The DOH, or licensing board within the jurisdiction of the DOH, must refuse to issue or renew a license to an individual that is currently listed on the

³⁹ The bill provides the following definitions:

- "Default" means the failure to repay a student loan according to the terms agreed to in the promissory note.
- "Delinquency" means the failure to make a student loan payment when it is due.
- "License" means any professional license, certificate, registration, or permit granted by the applicable state authority.
- "State authority" means any department, board, or agency with the authority to grant a license to any person in this state.
- "Student loan" means a federal-guaranteed or state-guaranteed loan for the purposes of postsecondary education.

USDHHS Office of Inspector General's List of Excluded Individuals and Entities (LEIE).⁴⁰ Federal law⁴¹ provides that a default on a health education loan or scholarship obligation is permissive grounds for being placed on the LEIE and that such exclusion lasts until the default or obligation is resolved. If a candidate or applicant is placed on the LEIE for a default on such a loan the DOH would be obligated to deny that person's application for initial license or renewal of an existing license.⁴²

The bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁴⁰ Section 456.0635(2)(e) and (3)(e), F.S. The LEIE provides information to the health care industry, patients and the public regarding individuals and entities currently excluded from participation in Medicare, Medicaid and all other Federal health care programs. USDHHS, Office of Inspector General, *Exclusions FAQ*, <https://oig.hhs.gov/faqs/exclusions-faq.asp>, (last visited Nov. 4, 2019). Individuals must be excluded (placed on the LEIE) for a conviction of specified crimes, including patient abuse, fraud, or actions related to a controlled substance. Individuals may be placed on the LEIE for acts including convictions relating to audits, specified misdemeanors, claims of unnecessary services, kickbacks, or default on health education loans or scholarship obligations. 42 U.S.C. s. 1320a-7.

⁴¹ Section 1128(b)(14) of the Social Security Act and 42 U.S.C. 1320a-7(b)(14).

⁴² Florida Department of Health, *2019 Agency Analysis of SB 356* (Oct. 31, 2019).

B. Private Sector Impact:

Healthcare practitioners will no longer be subject to discipline solely because of defaulting on a student loan or failure to comply with the terms of a service scholarship. This may assist such practitioners in paying off student loans by allowing them to continue to work in the field. In addition, the health care workforce would no longer be subject to the mandatory 10 percent fine for student loans in default.⁴³

C. Government Sector Impact:

The Department of Health (DOH) and Division of Medical Quality Assurance (MQA) may experience a recurring decrease in revenue due to the loss of the mandated 10 percent fine imposed on student loan default cases. However, the DOH and MQA will experience a recurring reduction in workload and cost due to fewer investigations and prosecutions to conduct. The Compliance Management Unit in the MQA would no longer have to track licensees on probation due to board-imposed discipline.⁴⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 456.072, 456.074, 1009.95, and 1009.951.

This bill repeals section 456.0721 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁴³ Florida Department of Health 2019 Agency Analysis of SB 356 (Oct. 31, 2019).

⁴⁴ *Id.*

By Senator Hutson

7-00627-20

2020356__

A bill to be entitled

An act relating to the Keep Our Graduates Working Act; creating s. 1009.951, F.S.; providing a short title; providing a purpose; providing definitions; prohibiting a state authority from suspending or revoking a person's professional license, certificate, registration, or permit solely on the basis of a delinquency or default in the payment of his or her student loan; amending s. 456.072, F.S.; conforming provisions to changes made by the act; repealing s. 456.0721, F.S., relating to health care practitioners in default on student loan or scholarship obligations; amending ss. 456.074 and 1009.95, F.S.; conforming provisions to changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1009.951, Florida Statutes, is created to read:

1009.951 Keep Our Graduates Working Act.

(1) SHORT TITLE.—This section may be cited as the "Keep Our Graduates Working Act of 2020."

(2) PURPOSE.—The purpose of this act is to ensure that Floridians who graduate from an accredited college or university can maintain their occupational licenses, as defined in subsection (3), and remain in the workforce while they struggle to pay off their student loan debt, thereby helping them avoid falling into poverty, which might necessitate seeking public

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assistance.

(3) DEFINITIONS.—As used in this section, the term:

(a) "Default" means the failure to repay a student loan according to the terms agreed to in the promissory note.

(b) "Delinquency" means the failure to make a student loan payment when it is due.

(c) "License" means any professional license, certificate, registration, or permit granted by the applicable state authority.

(d) "State authority" means any department, board, or agency with the authority to grant a license to any person in this state.

(e) "Student loan" means a federal-guaranteed or state-guaranteed loan for the purposes of postsecondary education.

(4) STUDENT LOAN DEFAULT; DELINQUENCY.—A state authority may not suspend or revoke a license that it has issued to a person who is in default on or delinquent in the payment of his or her student loans solely on the basis of such default or delinquency.

Section 2. Paragraph (k) of subsection (1) of section 456.072, Florida Statutes, is amended to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(k) Failing to perform any statutory or legal obligation placed upon a licensee. For purposes of this section, failing to repay a student loan issued or guaranteed by the state or the Federal Government in accordance with the terms of the loan is

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59 ~~not or failing to comply with service scholarship obligations~~
 60 ~~shall be considered a failure to perform a statutory or legal~~
 61 ~~obligation, and the minimum disciplinary action imposed shall be~~
 62 ~~a suspension of the license until new payment terms are agreed~~
 63 ~~upon or the scholarship obligation is resumed, followed by~~
 64 ~~probation for the duration of the student loan or remaining~~
 65 ~~scholarship obligation period, and a fine equal to 10 percent of~~
 66 ~~the defaulted loan amount. Fines collected shall be deposited~~
 67 into the Medical Quality Assurance Trust Fund.

68 Section 3. Section 456.0721, Florida Statutes, is repealed.

69 Section 4. Subsection (4) of section 456.074, Florida
 70 Statutes, is amended to read:

71 456.074 Certain health care practitioners; immediate
 72 suspension of license.-

73 ~~(4) Upon receipt of information that a Florida-licensed~~
 74 ~~health care practitioner has defaulted on a student loan issued~~
 75 ~~or guaranteed by the state or the Federal Government, the~~
 76 ~~department shall notify the licensee by certified mail that he~~
 77 ~~or she shall be subject to immediate suspension of license~~
 78 ~~unless, within 45 days after the date of mailing, the licensee~~
 79 ~~provides proof that new payment terms have been agreed upon by~~
 80 ~~all parties to the loan. The department shall issue an emergency~~
 81 ~~order suspending the license of any licensee who, after 45 days~~
 82 ~~following the date of mailing from the department, has failed to~~
 83 ~~provide such proof. Production of such proof shall not prohibit~~
 84 ~~the department from proceeding with disciplinary action against~~
 85 ~~the licensee pursuant to s. 456.073.~~

86 Section 5. Subsection (1) of s. 1009.95, Florida Statutes,
 87 is amended to read:

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88 1009.95 Delinquent accounts.-

89 (1) The Department of Education is directed to exert every
 90 lawful and reasonable effort to collect all delinquent unpaid
 91 and uncanceled scholarship loan notes, student loan notes, and
 92 defaulted guaranteed loan notes; however, in all such efforts,
 93 the department shall comply with s. 1009.951.

94 Section 6. This act shall take effect July 1, 2020.

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THE FLORIDA SENATE

APPEARANCE RECORD

11/12/19

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

356

Bill Number (if applicable)

Topic Keep Our Graduates Working

Amendment Barcode (if applicable)

Name Jared Willis

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Osteopathic Medical Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11.12.19

Meeting Date

SB 356

Bill Number (if applicable)

Topic Keep Our Graduates Working Act

Amendment Barcode (if applicable)

Name Jessica Love

Job Title Gov't. Consultant

Address PO Box 11189

Phone 850.577.9090

Street

Tallahassee, FL

City

State

32302

Zip

Email Jessica.Love@gray-robinson.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Nurses Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/19

Meeting Date

336

Bill Number (if applicable)

Topic Keep Our Graduates Working

Amendment Barcode (if applicable)

Name Melissa Ramba

Job Title _____

Address 108 S. Monroe St

Phone 850-570-0269

Street

Tallahassee

FL

32301

City

State

Zip

Email Melissa@Flapartners.

com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FGA- Opportunity Solutions

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/19
Meeting Date

SB 356
Bill Number (if applicable)

Topic Keep our Graduates Working Act

Amendment Barcode (if applicable)

Name Carol Bowen

Job Title Chief Lobbyist

Address 3730 Coconut Creek Pkwy, Ste 200
Street

Phone (954) 246-5168

Coconut Creek FL 33016
City State Zip

Email cbowen@abscufl.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Associated Builders and Contractors

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/19

Meeting Date

0356
SB0356

Bill Number (if applicable)

Topic Keep our Graduates Working

Amendment Barcode (if applicable)

Topic Student Loans

Name JANEYAKE BOYD

Job Title Registered Nurse

Address 735 W. WASHINGTON ST

Phone 850-320-4345

Street

Monticello, FL 32344

Email JANEYAKEBOYD@GMAIL

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Nurses Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/12/2019

Meeting Date

SB 356

Bill Number (if applicable)

Topic KEEP OUR GRADUATES WORKING

Amendment Barcode (if applicable)

Name CESAR GRAJALES

Job Title COALITIONS DIRECTOR

Address 200 W COLLEGE AVE

Phone 786.260.9283

Street

TALLAHASSEE

FL.

32301

Email cgrajales@belibre.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AMERICANS FOR PROSPERITY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SPB 7008

INTRODUCER: Education Committee

SUBJECT: OGSR/Animal Medical Records/State College of Veterinary Medicine

DATE: November 12, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Brick</u>	<u>Sikes</u>	_____	ED Submitted as Comm.Bill/Fav.

I. Summary:

SPB 7008 saves from repeal the current public records exemption relating to animal medical records held by or transferred to any state college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education.

The bill takes effect October 1, 2020.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”⁷

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

Only the Legislature may create an exemption to public records requirements.¹⁰ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹¹ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹² and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹³

When creating or expanding a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹⁴ Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature or pursuant to a court order. Records designated as ‘exempt’ may be released at the discretion of the records custodian under certain circumstances.¹⁵

⁵ *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ *Id.*

¹² The bill may, however, contain multiple exemptions that relate to one subject.

¹³ FLA. CONST., art. I, s. 24(c)

¹⁴ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The Sch. Bd. of Seminole*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

Open Government Sunset Review Act

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ The Act provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁸ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁹ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²⁰
- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²¹ or
- It protects trade or business secrets.²²

The Act also requires specified questions to be considered during the review process.²³ In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁴ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁵

¹⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

¹⁷ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b), F.S.

²⁰ Section 119.15(6)(b)1., F.S.

²¹ Section 119.15(6)(b)2., F.S.

²² Section 119.15(6)(b)3., F.S.

²³ Section 119.15(6)(a), F.S.

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ Section 119.15(7), F.S.

Confidentiality of Animal Medical Records

Section 474.2165, F.S., prohibits the disclosure of records or information concerning the medical condition of a patient of veterinary medical services to any person other than the client or the client's legal representative or other veterinarians involved in the care or treatment of the patient, except upon written authorization of the client. However, such records may be furnished without written authorization under the following circumstances:²⁶

- To any person, firm, or corporation that has procured or furnished such examination or treatment with the client's consent.
- In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the client or the client's legal representative by the party seeking such records.
- For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient and the client, or provided written permission is received from the client or the client's legal representative.

Section 474.2167, F.S., provides an exemption from public record disclosure requirements for animal medical records held by or transferred to any state college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education.²⁷

Confidential and exempt animal medical records may be disclosed to another governmental entity in the performance of its duties and responsibilities and in accordance with the existing laws governing veterinary medical records at a private clinic.

Section 474.2167 provides for future review and repeal of the public records exemption on October 2, 2020.

Chapter 2015-62, L.O.F., which established the exemption from public record disclosure requirements for animal medical records, included a public necessity statement that provided the rationale for the exemption. This rationale recognized that the release of such animal medical records compromises the confidentiality protections otherwise afforded the owners of such animals treated by licensed veterinarians in this state. Furthermore, this exemption permits a state college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education to effectively and efficiently carry out its mission to educate students in veterinary medicine.²⁸

Open Government Sunset Review Findings and Recommendations

In June 2019, the Senate Education Committee and the House Oversight, Transparency & Administration Subcommittee, in consultation with the Florida Board of Governors, sent an Open Government Sunset Review Questionnaire to the University of Florida (UF) College of

²⁶ Section 474.2165(4), F.S.

²⁷ The American Veterinary Medical Association (AVMA) Council on Education is recognized by the Council for Higher Education Accreditation (CHEA) as the accrediting body for schools and programs that offer the professional Doctor of Veterinary Medicine degree (or its equivalent) in the US and Canada, and may also approve foreign veterinary colleges. See <https://www.avma.org/professionaldevelopment/education/accreditation/colleges/pages/coe-pp-overview-of-the-coe.aspx> (last visited Aug. 2, 2019).

²⁸ Ch. 2015-62, L.O.F.

Veterinary Medicine, which is the only state college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education.²⁹

The UF College of Veterinary Medicine responded that it achieves its core business of training the next generation of veterinarians through clinical teaching material provided by the animals that visit the UF Veterinary Hospital.³⁰ If the exemption is repealed, the UF Veterinary Hospital would be the only veterinary medical practice in the state of Florida without confidentiality protections for records and information concerning veterinary medical services. The UF College of Veterinary Medicine recommended the exemption be reenacted to enable the continued training of the next generation of veterinarians who will meet the future needs of animal owners in Florida.

III. Effect of Proposed Changes:

SPB 7008 saves from repeal the current public records exemption relating to animal medical records held by or transferred to any state college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education.

The bill takes effect October 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill continues a current public records exemption beyond its current date of repeal; thus, the bill does not require an extraordinary vote for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill continues a current public records exemption without expansion. Thus, a statement of public necessity is not required.

Breadth of Exemption

²⁹ Email, Florida Board of Governors (June 27, 2019); and University of Florida College of Veterinary Medicine, *Open Government Sunset Review Questionnaire (Animal Medical Records)* (July 8, 2019).

³⁰ University of Florida College of Veterinary Medicine, *Open Government Sunset Review Questionnaire (Animal Medical Records)* (July 8, 2019).

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect the confidentiality of animal medical records held by or transferred to any state college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education. This bill exempts only animal medical records held by or transferred to any state college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 474.2167 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

FOR CONSIDERATION By the Committee on Education

581-00744-20

20207008pb

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 474.2167, F.S., which provides an exemption from public records requirements for certain animal medical records held by a state college of veterinary medicine that is accredited by the American Veterinary Medical Association Council on Education; removing the scheduled repeal of the exemption; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 474.2167, Florida Statutes, is amended to read:

474.2167 Confidentiality of animal medical records.—

(1) The following records held by any state college of veterinary medicine that is accredited by the American Veterinary Medical Association Council on Education are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) A medical record generated which relates to diagnosing the medical condition of an animal; prescribing, dispensing, or administering drugs, medicine, appliances, applications, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of an animal; or performing a manual procedure for the diagnosis of or treatment for pregnancy, fertility, or infertility of an animal; and

(b) A medical record described in paragraph (a) which is transferred by a previous record owner in connection with the

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-00744-20

20207008pb

transaction of official business by a state college of veterinary medicine that is accredited by the American Veterinary Medical Association Council on Education.

(2) A record made confidential and exempt under subsection (1) may be disclosed to another governmental entity in the performance of its duties and responsibilities and may be disclosed pursuant to s. 474.2165.

(3) The exemption from public records requirements under subsection (1) applies to animal medical records held before, on, or after the effective date of this exemption.

~~(4) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2020.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

CourtSmart Tag Report

Room: KN 412

Caption: Senate Education Committee

Case No.:

Judge:

Type:

Started: 11/12/2019 3:30:26 PM

Ends: 11/12/2019 4:22:26 PM

Length: 00:52:01

3:30:27 PM CAA calling roll
3:30:38 PM Quorum present
3:30:53 PM SB 120- Pizzo recognized
3:31:25 PM Pizzo introducing bill
3:31:43 PM Senator Montford series of questions
3:32:46 PM Senator Pizzo answers
3:33:13 PM Senator Montford question
3:33:22 PM Senator Pizzo answers
3:33:34 PM Senator Cruz question
3:34:24 PM Senator Pizzo answers
3:34:55 PM
3:36:03 PM Jeanetha Johnson- Parent Advocate/ Trainer Speaking
3:36:30 PM Senator Montford recognized in debate
3:36:53 PM Senator Pizzo recognized to close
3:37:56 PM CAA calling roll on SB 120
3:38:54 PM SB 120 reported favorably
3:39:08 PM SB 130 by Senator Hutson recognized
3:39:28 PM Amendment 773850 taken up
3:40:23 PM Amendment adopted
3:40:41 PM Amendment 351802 introduced
3:40:58 PM Amendment 351802 adopted
3:41:33 PM CAA calling roll on CS/SB 130
3:42:19 PM CS/SB 130 reported favorably
3:42:33 PM SB 356- Hutson introducing bill
3:42:50 PM Senator Cruz question
3:43:20 PM Senator Hutson answer
3:43:34 PM Senator Cruz follow-up question
3:44:13 PM Senator Hutson answers
3:44:25 PM Janegale Boyd- Speaking
3:46:19 PM Senator Baxley speaking (debate)
3:48:10 PM Senator Hutson closing on bill
3:48:18 PM CAA calling roll on SB 356
3:48:34 PM SB 356 reported favorably
3:48:56 PM SB 154 by Thurston recongized
3:49:21 PM Amendment 650664 taken up
3:50:27 PM Amendment 650644 adopted
3:51:26 PM Marissa Vairo- Law Student at FSU speaking
3:53:22 PM Russell Meyer- Real Tack for Education Equity speaking
3:55:26 PM Senator Berman recognized in debate
3:56:21 PM Senator Baxley recognized in debate
3:58:16 PM Senator Stargel recognized in debate
3:58:31 PM Senator Montford recognized in debate
4:00:13 PM Senator Cruz recognized in debate
4:02:44 PM Senator Thurston recognized to close on bill as amended
4:03:02 PM CAA calling roll on CS/ SB 154
4:03:22 PM CS/SB 154 reported favorably
4:03:38 PM SB 156 by Perry recognized
4:06:24 PM Amendment 181370 taken up
4:06:45 PM Amendment 181370 adopted
4:07:02 PM Senator Berman question
4:07:29 PM Senator Perry answers
4:07:57 PM Senator Perry recognized to close

4:08:40 PM CAA calling roll on CS/ SB 156
4:09:39 PM CS/SB 156 reported favorably
4:09:48 PM SB 168 by Cruz recognized
4:10:23 PM Amendment 719556 taken up
4:10:35 PM Amendment 719556 adopted
4:11:15 PM Ryan Lynn- Environment Florida speaking
4:15:29 PM Amy Datz- Environmental Caucus of FLorida speaking
4:18:09 PM Senator Cruz recognized to close
4:18:21 PM CAA calling roll on CS/ SB 168
4:19:03 PM CS/SB 168 reported favorably
4:19:18 PM SPB 7008- Education recognized
4:20:19 PM Senator Berman question
4:20:32 PM Education answers
4:20:50 PM Senator Berman recognized for debate
4:21:04 PM Senator Perry moves that SPB 7008 be submitted
4:21:23 PM CAA calls roll
4:21:28 PM SPB7008 reported favorably as committee bill
4:21:44 PM Senator Stargel moves to ajourn