

Tab 4	SB 308 by Collins (CO-INTRODUCERS) Grall, Perry; (Similar to CS/H 00225) Interscholastic and Intrascholastic Activities						
273934	D	S	RCS	ED, Collins	Delete everything after	03/06 04:59 PM	
752330	AA	S	RCS	ED, Grall	Before L.5:	03/06 04:59 PM	
Tab 6	SB 636 by Simon (CO-INTRODUCERS) Perry; (Similar to CS/H 00019) Individual Education Plans						
628398	A	S	RCS	ED, Simon	btw L.64 - 65:	03/06 04:59 PM	
Tab 1	SB 196 by Jones (CO-INTRODUCERS) Hutson, Perry; (Identical to H 00141) Guidance Services on Academic and Career Planning						
Tab 3	SB 294 by Rodriguez (CO-INTRODUCERS) Stewart, Calatayud, Osgood, Garcia, Gruters, Berman, Pizzo, Thompson, Jones, Perry; (Identical to H 00287) Required Instruction in the History of Asian Americans and Pacific Islanders						
Tab 5	SB 478 by Perry; (Identical to H 00703) Early Childhood Music Education Incentive Program						
Tab 2	SB 244 by Calatayud; K-12 Teachers						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION PRE-K -12
Senator Simon, Chair
Senator Burgess, Vice Chair

MEETING DATE: Monday, March 6, 2023
TIME: 1:00—3:00 p.m.
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Simon, Chair; Senator Burgess, Vice Chair; Senators Avila, Berman, Calatayud, Collins, Grall, Hutson, Jones, Osgood, Perry, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 196 Jones (Identical H 141)	Guidance Services on Academic and Career Planning; Requiring district school boards to inform students and parents of certain acceleration, academic, and career planning options; requiring certain information to be included in such notification; requiring a personalized academic and career plan to be developed in consultation with a certified school counselor for certain students; requiring certain information to be included in such plan, etc. ED 03/06/2023 Favorable CM RC	Favorable Yeas 12 Nays 0
2	SB 244 Calatayud	K-12 Teachers; Authorizing the Office of Inspector General within the Department of Education to investigate allegations and reports of suspected violations of certain persons' rights; establishing the Dual Enrollment Educator Scholarship Program; establishing the Teacher Apprenticeship Program; providing an additional means of demonstrating mastery of subject area knowledge, etc. ED 03/06/2023 Favorable AED AP	Favorable Yeas 12 Nays 0
3	SB 294 Rodriguez (Identical H 287)	Required Instruction in the History of Asian Americans and Pacific Islanders; Requiring that the history of Asian Americans and Pacific Islanders be taught in the public schools; requiring that instructional materials used in teaching this subject area include specified information, etc. ED 03/06/2023 Favorable AED RC	Favorable Yeas 12 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K -12

Monday, March 6, 2023, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 308 Collins (Similar CS/H 225)	Interscholastic and Intrascholastic Activities; Providing for the approval of athletic associations that meet certain requirements; providing that private schools and traditional public schools are considered high schools for specified purposes; authorizing home education students, Florida Virtual School students, and private school students to participate in interscholastic and intrascholastic activities at certain schools; requiring certain athletic associations to adopt bylaws, policies, or procedures allowing opening remarks at specified events, etc. ED 03/06/2023 Fav/CS JU RC	Fav/CS Yeas 9 Nays 3
5	SB 478 Perry (Identical H 703)	Early Childhood Music Education Incentive Program; Renaming the Early Childhood Music Education Incentive Pilot Program as the Early Childhood Music Education Incentive Program; revising criteria for a school district's eligibility to participate in the program; deleting an obsolete provision requiring the University of Florida's College of Education to conduct a specified evaluation, etc. ED 03/06/2023 Favorable AED AP	Favorable Yeas 12 Nays 0
6	SB 636 Simon (Similar CS/H 19)	Individual Education Plans; Requiring individual education plans for certain students to contain information and instruction on certain legal rights and responsibilities that transfer to students at the age of 18; requiring such information to include ways in which a student may provide informed consent to allow his or her parent to continue to participate in his or her educational decisions, etc. ED 03/06/2023 Fav/CS JU RC	Fav/CS Yeas 12 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 Pre-K -12

BILL: CS/SB 308

INTRODUCER: Education Pre-K - 12 Committee and Senators Collins and Grall

SUBJECT: Interscholastic and Intrascholastic Activities

DATE: March 8, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	ED	Fav/CS
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 308 amends provisions regarding the Florida High School Athletic Association (FHSAA) and student participation in interscholastic and intrascholastic extracurricular activities.

Specifically, the bill:

- Requires the Florida High School Athletic Association (FHSAA) to allow a school to join the association by sport to participate in the FHSAA championship contest or series for that sport.
- Places the FHSAA bylaws under the authority of the State Board of Education (SBE).
- Revises the composition of the membership of the FHSAA board of directors from 16 to 9 members, 8 of whom are appointed by the Governor and confirmed by the Senate.
- Authorizes charter school students to develop an agreement with a private school to allow the student to participate in an interscholastic extracurricular activity at that private school.

Additionally, the bill creates s. 1006.185, F.S., requiring approved athletic associations to adopt bylaws, policies, or procedures allowing opening remarks during high school championship series contests, with specified conditions for those remarks.

The bill has no impact on state revenues or expenditures.

The bill takes effect on July 1, 2023.

II. Present Situation:

Florida High School Athletic Association

The Florida High School Athletic Association (FHSAA) is statutorily designated as the governing nonprofit organization for interscholastic athletics for grades 6 through 12 in Florida public schools.¹ Any high school, middle school, or combination school,² including charter schools, virtual schools, private schools, and home education cooperatives,³ may become a member of the FHSAA, but membership in the FHSAA is not mandatory.⁴ The FHSAA may not deny or discourage a private school from simultaneously maintaining membership in another athletic association, and may allow a public school the option of applying for consideration to join another athletic association.⁵ The FHSAA is prohibited from denying or discouraging interscholastic competition between its member schools and non-FHSAA member schools in Florida and may not take discriminatory or retributory action against a member school that engages in interscholastic competition with non-FHSAA member schools.⁶

The FHSAA is required to adopt bylaws regulating student eligibility, recruiting, student safety and member schools' interscholastic competition in accordance with applicable law.⁷ If the FHSAA fails to meet its obligations and responsibilities, the Commissioner of Education (commissioner) is directed to designate a nonprofit organization to manage interscholastic athletics with the approval of the State Board of Education (SBE).⁸

FHSAA Governance

The FHSAA operates as a representative democracy in which its member schools hold authority, through their elected representatives, and the FHSAA is governed by its bylaws.⁹ Each member school must designate a representative that is either the school principal or athletic director. FHSAA membership is divided into four administrative regions, with roughly an equal number of member schools to ensure equitable representation.¹⁰

¹ Section 1006.20(1), F.S.

² A “combination school” is any school that provides instruction to students in high school and the middle school grades; elementary, middle or high school grades combined; or elementary and middle grades combined (e.g. K-12; K-8; 6-12; or 7-12). Florida High School Athletic Association, *Bylaws of the Florida High School Athletic Association, Inc., 2022-23 Edition*, at Bylaw 3.2.2.3.

³ A “home education cooperative” is a parent-directed group of individual home education students that provides opportunities for interscholastic athletic competition to those students and may include students in grades 6-12. FHSAA, *supra*, note 2, at Bylaw 3.2.2.4.

⁴ Section 1006.20(1), F.S.

⁵ *Id.*

⁶ *Id.*

⁷ Section 1006.20(2), F.S.

⁸ Section 1006.20(1), F.S.

⁹ Section 1002.20(3)(a), F.S. See FHSAA, *2022-23 FHSAA Handbook*, revised Dec. 13, 2022, https://fhsaa.com/documents/2022/12/7//2223_handbook_update_December.pdf?id=3768 (last visited Feb. 27, 2023). The FHSAA Handbook contains the bylaws and administrative procedures, as adopted and amended by the board of directors, that govern the FHSAA.

¹⁰ Section 1006.20(3), F.S.

The executive authority of the FHSAA is vested in the board of directors (board).¹¹ The FHSAA board consists of 16 members, as follows:¹²

- Four public member school representatives, one elected from among its public school representative members within each of the four administrative regions.
- Four nonpublic member school representatives, one elected from among its nonpublic school representative members within each of the four administrative regions.
- Three representatives appointed by the commissioner, one appointed from the two northernmost administrative regions and one appointed from the two southernmost administrative regions. The third representative shall be appointed to balance the board for diversity or state population trends, or both.
- Two district school superintendents, one elected from the two northernmost administrative regions by the members in those regions and one elected from the two southernmost administrative regions by the members in those regions.
- Two district school board members, one elected from the two northernmost administrative regions by the members in those regions and one elected from the two southernmost administrative regions by the members in those regions.
- The commissioner or his or her designee from the department executive staff.

The legislative authority of the FHSAA is vested in its representative assembly.¹³ The membership of the representative assembly is similar to that of the board.¹⁴

School Membership in the FHSAA

An accredited school may become a member school of the FHSAA under its eligibility requirements, which include approval by the school's governing body and adoption of the FHSAA bylaws, paying all dues and other fees, maintaining insurance coverage, and election by the FHSAA board.¹⁵

Among other responsibilities, the FHSAA board approves schools or home education cooperatives for initial and continuing membership in the FHSAA, adopts and amends administrative regulations for its programs, and serves as the FHSAA's appellate authority.¹⁶

The FHSAA authorizes full membership schools to compete in FHSAA championships, vote in FHSAA elections, seek election to positions in FHSAA governance, and apply and serve as hosts of multi-school events.¹⁷ Participation in the Florida High School State Championship Series is limited to senior high schools, combination schools, and home education cooperatives with full membership in the FHSAA.¹⁸ Participation is voluntary in the Florida High School State

¹¹ Section 1006.20(4)(a), F.S.

¹² Section 1006.20(4)(a)1.-6., F.S.

¹³ Section 1006.20(5)(a), F.S.

¹⁴ Section 1006.20(5)(b), F.S. The specific number of representatives and the method of their selection must be established in the FHSAA bylaws. Section 1006.20(5)(c), F.S.

¹⁵ FHSAA, *supra* note 2, at Bylaw 3.3.1. Similar qualifications and conditions apply to home education cooperatives seeking to become members in the FHSAA. FHSAA, *supra* note 2, at Bylaw 3.3.2.

¹⁶ Section 1006.20(4)(e), F.S.; FHSAA, *supra* note 2, at Bylaws 3.7 and 4.3.2.

¹⁷ FHSAA, *supra* note 2, at Bylaw 3.9.1.

¹⁸ FHSAA, *supra* note 2, at Bylaws 8.7.1.1; FHSAA, *supra* note 2, at Policy 10.1.1.

Championship, however, the FHSAA board preference is that all eligible schools participate.¹⁹ The FHSAA does provide an option for member schools to exercise independent status for “legitimate reasons”²⁰ but expressly states that this status is not intended as a vehicle for schools to organize in protest of the FHSAA’s policies or establish a postseason championship separate from the Florida High School State Championship Series.²¹ The FHSAA requires any independent status member schools to receive the FHSAA board’s approval for any championship playoff occurring after the conclusion of the FHSAA-approved regular season.²²

Student Extracurricular Activities and Athletics

Florida law outlines numerous standards and requirements relating to student extracurricular activities and athletics.²³ Such extracurricular activities and athletics include a student participating in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice, or contests.²⁴ A student must satisfy eligibility requirements to be deemed eligible to participate, which specify a minimum grade point average and adherence to academic performance standards and standards of conduct.²⁵

Responsibilities of the FHSAA

Among the provisions relating to student extracurricular activities and athletics, there are student eligibility, governance, transparency, and student-athlete health requirements that apply specifically to the FHSAA. The FHSAA retains jurisdiction over school membership in the FHSAA; recruiting prohibitions and violations; student medical evaluations; investigations; sanctions for coaches; school eligibility and forfeiture of competitions; student concussions and head injuries; a sports medical advisory committee; and the general operational provisions of the FHSAA.²⁶ However, the FHSAA’s implementation of these provisions may not contradict statutory requirements regarding district school boards and charter schools’ responsibilities in determining student eligibility for extracurricular participation.²⁷

Student Participation in Interscholastic Extracurricular Activities

The term “interscholastic extracurricular activities” is not specifically defined in the statutes. However, extracurricular is defined to mean “any school-authorized or education-related activity occurring during or outside the regular instructional school day.”²⁸ The same statute refers to interscholastic extracurricular student activities as being “an important complement to the

¹⁹ FHSAA, *supra* note 2, at Policy 10.1.2.

²⁰ The FHSAA policies outline legitimate reasons as including, but not limited to, a newly opened school, consistent inability to compete in the assigned FHSAA classification, geographic isolation that creates financial burdens for participation, educational philosophies that prohibit extended athletic participation, and religious reasons preventing competition. FHSAA, *supra* note 2, at Policy 10.1.3.

²¹ FHSAA, *supra* note 2, at Policy 10.1.3.

²² *Id.*

²³ See Chapter 1006, Part 1, Section D, F.S.

²⁴ Section 1006.15(3)(a), F.S.

²⁵ *Id.*

²⁶ Section 1006.195(2)(a), F.S.

²⁷ *Id.*

²⁸ Section 1006.15(2), F.S.

academic curriculum” and notes that participation in those activities contributes to a student developing the social and intellectual skills that are needed “to become a well-rounded adult.”²⁹

To be eligible to participate in interscholastic extracurricular activities a student must:³⁰

- Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent.
- Execute and fulfill the requirements of an academic performance contract between the student, the district school board, the appropriate governing association, and the student’s parents if the student’s cumulative grade point average falls below 2.0, or its equivalent on a 4.0 scale.
- Have a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required during his or her junior or senior year.
- Maintain satisfactory conduct, including adherence to appropriate dress and other codes of student conduct policies.³¹

Charter School Student’s Participation in Interscholastic Extracurricular Activities

A charter school student may participate in interscholastic extracurricular activities at a public school to which the student would be assigned, unless the activity is also provided by the student’s charter school. However, the following conditions must also be met for participation at the public school:

- The charter school student must meet the requirements of the charter school education program as determined by the charter school governing board.
- During the period of participation at a school, the charter school student must demonstrate educational progress as required.
- The charter school student must meet the same residency requirements as other students in the school at which he or she participates.
- The charter school student must meet the same standards of acceptance, behavior, and performance that are required of other students in the extracurricular activities.
- The charter school student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before participation.
- A student who transfers from a charter school program to a traditional public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period if the student has a successful evaluation from the previous school year.
- Any public school or private school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a charter school student until the student has successfully completed one grading period in a charter school to become eligible to participate as a charter school student.³²

²⁹ Section 1006.15(2), F.S.

³⁰ Section 1006.15(3). Eligible to participate includes, but is not limited to, a student participating in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice, or contests.

³¹ Section 1006.15(3)(a)1.-4., F.S.

³² Section 1006.15(3)(d), F.S. *See also* s. 1002.33(11), F.S.

Additional Options for Participation in Interscholastic Extracurricular Activities

A student in a home education program may be eligible to participate in extracurricular activities at a Florida public school according to attendance area policies or controlled open enrollment, or at a private school.³³ A student in a home education program must meet specified conditions for participation specified in law.³⁴

A student of the Florida Virtual School full-time program may participate in any interscholastic extracurricular activity at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend pursuant to Florida's controlled open enrollment processes.³⁵

A student who transfers to a school during the school year may seek to immediately participate in an extracurricular activity if the roster for the activity has not reached its maximum size and if the coach or sponsor for the activity determines that the student has the requisite skill and ability to participate. However, a transfer student may not participate in a sport if he or she participated in that same sport at another school during that school year, with exceptions specified in law.³⁶

The FHSAA and member school districts are required to establish a program through which private school students may participate in interscholastic sports at public schools.³⁷ A private school student must be eligible to participate in interscholastic athletics at the public middle school, public high school, or public 6-12 school for which he or she would be assigned by the local school district or at any public school that the student could attend pursuant to Florida's controlled open enrollment processes, if the private school that he or she attends is not a member of the FHSAA and he or she meets the guidelines for such participation established by the FHSAA and the district school board.³⁸

Federal Law Regarding Opening Remarks at Interscholastic Athletic Events

Establishment Clause

The U.S. Constitution prevents the government from establishing a religion and protects privately initiated expression and activities from government interference and discrimination.³⁹ In order to determine whether a challenged state statute is permissible under the Establishment Clause, courts apply the *Lemon Test*, which requires that the challenged statute have a secular legislative purpose, have a principal or primary effect that neither advances nor inhibits religion, and avoid excessive government entanglement with religion.⁴⁰

The Supreme Court's analysis in *Santa Fe Independent School District v. Doe* provides insight to how the Court applies the *Lemon Test* when evaluating opening remarks at athletics events on

³³ Section 1006.15(3)(c), F.S.

³⁴ *Id.*

³⁵ Section 1006.15(3)(e), F.S.

³⁶ Section 1006.15(9)(b), F.S.

³⁷ Section 1006.15(8), F.S.

³⁸ Section 1006.15(8)(a), F.S.

³⁹ See U.S. Const., Amend. 1.

⁴⁰ *Lemon v. Kurtzman*, 403 U.S. 602, 612 (1971).

school premises.⁴¹ The Court held that the school district's policy permitting student-led, student-initiated prayer over the loudspeaker at high school football games on the school's property violated the Establishment Clause.⁴² The Court concluded that the pre-game invocations at issue were government speech because the invocations were specifically authorized by government policy and took place on government property at government-sponsored, school related events.⁴³ However, the Supreme Court cautioned that not all public speech becomes government speech simply because it is made using public facilities at government sponsored events.⁴⁴ Santa Fe school district's policy failed the *Lemon Test* because the Court found the policy did not have a secular purpose and advanced certain religion at the expense of other religions given the narrow speaker selection process and criteria; and entangled the government with religion given the school district's specific encouragement of prayer.⁴⁵

Free Speech Clause

Speech is protected by the First Amendment of the United States Constitution.⁴⁶ The government or a public actor may nevertheless regulate an individual's freedom of speech within constitutional limits.⁴⁷ The First Amendment's free speech clause restricts government regulation of private speech but does not regulate government speech.⁴⁸ To determine whether speech is government speech or private speech, courts consider three primary factors: the history and tradition of the speech; whether a reasonable observer could conclude that the government endorses the speech; and whether the government exercises direct control over the speech.⁴⁹

In 2015, the FHSAA had a policy that prohibited teams from praying over the loudspeaker before a game. Cambridge Christian School, a private Christian school in Tampa, complained that the policy was a violation of Free Speech and Free Exercise Clauses of the United States and Florida Constitutions.⁵⁰ The district court held that all speech over the loudspeaker was government speech and dismissed the case. The Eleventh Circuit Court of Appeals held that:

[T]he question of whether all speech over the microphone was government speech is a heavily fact-intensive one that looks at the history of the government's use of the medium for communicative purposes, the implication of government endorsement of messages carried over that medium, and the degree of government control over those messages.⁵¹

The appeals court returned the case to the district court to allow the case to proceed to determine whether "the multitude of messages delivered over the loudspeaker should be viewed as private,

⁴¹ See *Santa Fe Independent Sch. District v. Doe*, 530 U.S. 290, 314 (2000).

⁴² *Id.* at 317.

⁴³ *Id.* at 302.

⁴⁴ *Id.* See *Rosenberger v. Rector*, 515 U.S.819 (1995) (holding that the University of Virginia must provide financial subsidy to a student religious organization on the same basis as other student publications).

⁴⁵ *Santa Fe Independent Sch. District*, 530 U.S. at 302-10.

⁴⁶ U.S. Const., Amend. 1.

⁴⁷ *Int'l Soc'y for Krishna Consciousness, Inc. v. Lee*, 505 U.S. 672, 678 (1992).

⁴⁸ See *Pleasant Grove City v. Summum*, 555 U.S. 460, 467 (2009).

⁴⁹ See *Pleasant Grove City*, 555 U.S. at 460; *Walker v. Texas Division, Sons of Confederate Veterans, Inc.*, 135 S. Ct. 2239 (2015); *Mech v. Sch. Bd. of Palm Beach Cnty.*, 806 F.3d 1070 (11th Cir. 2015).

⁵⁰ *Cambridge Christian Sch., Inc. v. Florida High Sch. Athletic Ass'n, Inc.*, 942 F.3d 1215 (11th Cir. 2019).

⁵¹ *Id.*, at 1223.

not government, speech,” and whether Cambridge Christian was “arbitrarily and haphazardly denied access to the forum in violation of the First Amendment.”⁵²

After hearing the merits of the case as presented by both parties, the district court ruled that the FHSAA’s viewpoint neutral regulation of the speech over the loudspeaker was constitutional.⁵³ The case is now again before the Eleventh Circuit Court of Appeals and is tentatively scheduled to be heard the week of June 26, 2023.⁵⁴

Federal Guidance

According to updated guidance from the U.S. Department of Education on constitutionally protected prayer and religious expression in public elementary and secondary schools, student speakers at noncurricular activities such as sporting events may not be selected on a basis that either favors or disfavors religious perspectives. To avoid any mistaken perception that a school endorses student speech that is not in fact attributable to the school, school officials may make appropriate, neutral disclaimers to clarify that such speech, whether religious or nonreligious, is the speaker’s and not the school’s speech.⁵⁵

Florida Law Regarding Opening Remarks at Interscholastic Athletic Events

The Florida Constitution closely replicates the First Amendment’s protections against the establishment of religion.⁵⁶ The scope of the Florida Constitution’s protection of free speech is the same as required under the First Amendment.⁵⁷

Florida law establishes that the FHSAA’s authority to organize and conduct statewide interscholastic competition includes the potential for state championships, and the FHSAA also has authority to establish terms and conditions for those contests.⁵⁸

FHSAA Florida High School State Championship Series

The FHSAA’s Florida High School State Championship Series (State Championship Series) determines official state champions, among the Association’s member schools, in sports sanctioned or recognized by the FHSAA Board of Directors.⁵⁹ The FHSAA limits participation

⁵² *Cambridge Christian Sch., Inc. v. Florida High Sch. Athletic Ass’n, Inc.*, 942 F.3d 1215 (11th Cir. 2019), at 1223.

⁵³ *Cambridge Christian Sch., Inc. v. Florida High Sch. Athletic Ass’n, Inc.*, 8:16-CV-2753-CEH-AAS, 2022 WL 971778 (M.D. Fla. Mar. 31, 2022).

⁵⁴ Notice of Tentative Calendar Assignment, *Cambridge Christian Sch., Inc. v. Florida High Sch. Athletic Ass’n, Inc.*, No. 22-11222 (11th Cir. Feb. 16, 2023).

⁵⁵ U.S. Department of Education, *Updated Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools* (Jan. 21, 2020), 85 FR 3257, available at <https://www.federalregister.gov/documents/2020/01/21/2020-00876/updated-guidance-on-constitutionally-protected-prayer-and-religious-expression-in-public-elementary>, at 3268.

⁵⁶ Art. 1, s. 3, Fla. Const. See *Council for Secular Humanism, Inc. v. McNeil*, 44 So. 3d 112, 119 (Fla. 1st DCA 2010) (explaining that the Florida Constitution’s establishment clause is consistent with the First Amendment and imposes additional restrictions on state actors through the no-aid provision).

⁵⁷ Art. 1, s. 4, Fla. Const. See *Cafe Erotica v. Fla. Dep’t of Transp.*, 830 So. 2d 181, 183 (Fla. 1st DCA 2002) (stating that the scope of free speech protections in the Florida Constitution is the same as the First Amendment).

⁵⁸ Section 1006.20(4)(d)6., F.S.

⁵⁹ FHSAA, *supra* note 2, at Bylaw 2.10.

in the State Championship Series to schools that are full members of the Association.⁶⁰ The FHSAA Board of Directors determines in which sports⁶¹ a State Championship Series will be offered and establishes the terms and conditions for the competition series.⁶²

Public Address Protocol

The FHSAA's Public Address Protocol applies to all State Championship Series. The public address announcer must maintain neutrality. The announcer is required to follow the FHSAA script for promotional announcements, player introductions, and awards ceremonies. The procedure limits other announcements to:⁶³

- Those of an emergency nature;
- Those of a "practical" nature (e.g. a vehicle with lights on);
- Teams' starting lineups or entire lineups';
- Messages provided by host school management;
- Announcements about the sale of FHSAA souvenir merchandise;
- Players attempting or making a play;
- Penalties as signaled by the referee; and
- Substitutions and timeouts.

In addition, public address announcers may not provide play-by-play commentary as if announcing a radio or television broadcast, make comments that offer an unfair advantage to one team, make comments critical of contest participants, schools, or officials.⁶⁴

For regular season events, the FHSAA's Public Address Protocol states that the public address announcer must maintain neutrality.⁶⁵ The FHSAA encourages schools to abide by the additional requirements of the Public Address Protocol for the State Championship Series but does not require compliance for regular season events.⁶⁶

III. Effect of Proposed Changes:

Florida High School Athletic Association

CS/SB 308 amends s. 1006.20, F.S., to require the Florida High School Athletic Association (FHSAA) to allow a school that joins the association by sport to participate in the FHSAA championship contest or series for that sport.

⁶⁰ FHSAA, *supra* note 2, at Bylaw 2.10. The FHSAA must allow private schools the option of maintaining full membership in the Association or membership by sport. The FHSAA may allow public schools the option of applying for consideration to join another athletic association. Section 1006.20(1), F.S.

⁶¹ The FHSAA currently conducts State Championship Series in the following sports: baseball, basketball, bowling, competitive cheerleading, cross country, flag football, football, golf, lacrosse, soccer, softball, swimming and diving, tennis, track and field, volleyball, water polo, weightlifting, and wrestling. FHSAA, *2022-2023 FHSAA Administrative Procedures*, available at https://fhsaa.com/documents/2022/8/22//2223_admin_procedures.pdf?id=3362.

⁶² Section 1006.20(4)(e)6., F.S.; Bylaw 2.10, FHSAA.

⁶³ FHSAA, *2022-2023 FHSAA Administrative Procedures*, Procedure 3.1.8, at 13, available at https://fhsaa.com/documents/2022/8/22//2223_admin_procedures.pdf?id=3362.

⁶⁴ *Id.*

⁶⁵ FHSAA, *2022-2023 FHSAA Administrative Procedures*, Procedure 2.2.1, at 11, available at https://fhsaa.com/documents/2022/8/22//2223_admin_procedures.pdf?id=3362.

⁶⁶ *Id.*

The bill places the FHSAA bylaws under the authority of the State Board of Education (SBE), which must ratify a bylaw before it can take effect. The bill also authorizes the Commissioner of Education to direct the FHSAA to revise its bylaws at any time.

The bill revises the composition of the membership of the FHSAA board of directors (board) from 16 to 9 members, 8 of whom are appointed by the Governor and confirmed by the Senate. The bill removes the requirement that the appointing authority of members of the FHSAA board makes recommendations to reflect state demographic and population trends. The board is also given legislative authority for the FHSAA, and specifies that the representative assembly may make recommendations to the board, which must be approved by a majority vote of the board.

The bill requires the hiring of the executive director and the adopted budget to be ratified by the SBE.

Student Participation in Interscholastic and Intrascholastic Extracurricular Activities

The bill amends ss. 1002.33 and 1006.15 F.S., to permit a charter school student to participate in interscholastic extracurricular activities at a private school if certain requirements are met. The bill authorizes a charter school student to participate in the interscholastic extracurricular activities of a private school, which are not offered at the charter school, if the student develops an agreement to participate with the private school. Additionally, the charter school student must meet the participation requirements, maintaining satisfactory grades and conduct, discussed in detail in the Present Situation.

Opening Remarks

The bill creates s. 1006.185, F.S., which requires approved athletic associations, whose memberships include public schools, to adopt bylaws, policies, or procedures that provide schools participating in a high school championship contest or series of contests, under the direction and supervision of the association, an opportunity to make brief opening remarks at the event. If requested by the school, a speaker from the school may give remarks, no longer than two minutes, using the public address system at the event. Prior to the opening remarks from school speakers, the association must make an announcement that the school's opening remarks are not endorsed by the association nor do they reflect the views and opinions of the association.

The bill specifies that athletic associations may not control, monitor, or review the content of schools' opening remarks, nor may the associations control the schools' choice of speaker. The bill provides that member schools may not provide opening remarks that are derogatory, rude, or threatening.

The bill provides that the decision to allow opening remarks before regular season contests is at the discretion of each school.

This bill is effective July 1, 2023.

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: 1002.33, 1006.15, and 1006.20.

This bill creates section 1006.185 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 Pre-K -12 on March 6, 2023:

The committee substitute retains the provisions in the bill regarding opening remarks prior to a championship contest. The committee substitute also:

- Adds the requirement that the Florida High School Athletic Association (FHSAA) must allow a school that joins the association by sport to participate in the FHSAA championship contest or series for that sport.
- Places the FHSAA bylaws under the authority of the State Board of Education (SBE), which must ratify a bylaw before it can take effect.
- Authorizes the Commissioner of Education to direct the FHSAA to revise its bylaws at any time.
- Removes the requirement that the appointing authority of members of the FHSAA board of directors makes recommendations to reflect state demographic and population trends.
- Revises the composition of the membership of the FHSAA board of directors (board) from 16 to 9 members, 8 of whom are appointed by the Governor and confirmed by the Senate.
- Specifies that the hiring of the executive director and adopted budget must be ratified by the SBE.
- Establishes legislative authority with the FHSAA board, and requires a majority vote of the board for the approval of legislative recommendations of the representative assembly.
- Adds to the provision regarding opening remarks direction that member schools may not provide opening remarks that are derogatory, rude, or threatening.
- Authorizes charter school students to develop an agreement with a private school to allow the student to participate in an interscholastic extracurricular activity at that private school.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/06/2023	.	
	.	
	.	
	.	

The Committee on Education Pre-K -12 (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1), paragraph (a) of subsection (2), paragraphs (a) and (e) of subsection (4), paragraphs (a) and (h) of subsection (5), paragraph (b) of subsection (6), and subsection (8) of section 1006.20, Florida Statutes, are amended to read:

1006.20 Athletics in public K-12 schools.-



273934

11 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
12 School Athletic Association (FHSAA) is designated as a ~~the~~
13 governing nonprofit organization of athletics in Florida public
14 schools. If the FHSAA fails to meet the provisions of this
15 section, the commissioner must ~~shall~~ designate a nonprofit
16 organization to govern athletics with the approval of the State
17 Board of Education. The FHSAA is not a state agency as defined
18 in s. 120.52. The FHSAA is ~~shall be~~ subject to ~~the provisions of~~
19 s. 1006.19. A private school that wishes to engage in high
20 school athletic competition with a public high school may become
21 a member of the FHSAA. Any high school in this ~~the~~ state,
22 including charter schools, virtual schools, and home education
23 cooperatives, may become a member of the FHSAA and participate
24 in the activities of the FHSAA; ~~however,~~ membership in the
25 FHSAA is not mandatory for any school. The FHSAA shall ~~must~~
26 allow a ~~private~~ school the option of maintaining full membership
27 in the association or joining by sport and may not discourage a
28 ~~private~~ school from simultaneously maintaining membership in
29 another athletic association. The FHSAA shall allow any school
30 joining by sport to participate in the championship contest or
31 series of contests for that sport ~~may allow a public school the~~
32 ~~option to apply for consideration to join another athletic~~
33 ~~association~~. The FHSAA may not deny or discourage
34 interscholastic competition between its member schools and non-
35 FHSAA member Florida schools, including members of another
36 athletic governing organization, and may not take any
37 retributory or discriminatory action against any of its member
38 schools that participate in interscholastic competition with
39 non-FHSAA member Florida schools. The FHSAA may not unreasonably



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40 withhold its approval of an application to become an affiliate
41 member of the National Federation of State High School
42 Associations submitted by any other organization that governs
43 interscholastic athletic competition in this state. The bylaws
44 of the FHSAA are the rules by which high school athletic
45 programs in its member schools, and the students who participate
46 in them, are governed, unless otherwise specifically provided by
47 statute. For the purposes of this section, the term "high
48 school" includes grades 6 through 12.

49 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

50 (a) The FHSAA shall adopt bylaws that, unless specifically
51 provided otherwise by statute, establish eligibility
52 requirements for all students who participate in high school
53 athletic competition in its member schools. The bylaws governing
54 residence and transfer must ~~shall~~ allow the student to be
55 immediately eligible in the school in which he or she first
56 enrolls each school year or the school in which the student
57 makes himself or herself a candidate for an athletic team by
58 engaging in a practice before ~~prior to~~ enrolling in the school.
59 The bylaws must ~~shall~~ also allow the student to be immediately
60 eligible in the school to which the student has transferred. The
61 student remains ~~shall be~~ eligible in that school so long as he
62 or she remains enrolled in that school. Subsequent eligibility
63 must ~~shall~~ be determined and enforced through the FHSAA's
64 bylaws. Requirements governing eligibility and transfer between
65 member schools must ~~shall~~ be applied similarly to public school
66 students and private school students. The commissioner may
67 direct the FHSAA to revise its bylaws at any time.

68 1. Any changes to the FHSAA's bylaws must be ratified by



273934

69 the State Board of Education.

70 2. A bylaw adopted by the FHSAA board of directors may not
71 take effect until it is ratified by the State Board of
72 Education.

73 (4) BOARD OF DIRECTORS.—

74 (a) The executive and legislative authority of the FHSAA is
75 ~~shall be~~ vested in its board of directors, which is. ~~Any entity~~
76 ~~that appoints members to the board of directors shall examine~~
77 ~~the ethnic and demographic composition of the board when~~
78 ~~selecting candidates for appointment and shall, to the greatest~~
79 ~~extent possible, make appointments that reflect state~~
80 ~~demographic and population trends. The board of directors shall~~
81 ~~be~~ composed of 9 members, 8 of whom are appointed by the
82 Governor and confirmed by the Senate 16 persons, as follows:

83 1. Two Four public member school representatives appointed
84 from different administrative regions, ~~one elected from among~~
85 ~~its public school representative members within each of the four~~
86 ~~administrative regions.~~

87 2. Two Four nonpublic member school representatives
88 appointed from different administrative regions that are also
89 different than those represented by the public member school
90 representatives appointed under subparagraph 1., ~~one elected~~
91 ~~from among its nonpublic school representative members within~~
92 ~~each of the four administrative regions.~~

93 3. Two Three representatives ~~appointed by the commissioner,~~
94 one appointed from the two northernmost administrative regions
95 and one appointed from the two southernmost administrative
96 regions. ~~The third representative shall be appointed to balance~~
97 ~~the board for diversity or state population trends, or both.~~



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98 4. One ~~Two~~ district school superintendent appointed from
99 ~~superintendents, one elected~~ from the ~~two~~ northernmost
100 administrative region ~~regions~~ by the ~~members~~ in those ~~regions~~
101 ~~and one elected from the two southernmost administrative regions~~
102 ~~by the members in those regions.~~

103 5. One ~~Two~~ district school board member appointed ~~members,~~
104 ~~one elected from the two northernmost administrative regions by~~
105 ~~the members in those regions and one elected from the two~~
106 southernmost administrative region ~~regions~~ by the ~~members in~~
107 ~~those regions.~~

108 6. The commissioner or his or her designee from the
109 department executive staff.

110 (e) The authority and duties of the board of directors,
111 acting as a body and in accordance with the FHSAA's bylaws, are
112 as follows:

113 1. To act as the incorporated FHSAA's board of directors
114 and to fulfill its obligations as required by the FHSAA's
115 charter and articles of incorporation.

116 2. To establish such guidelines, regulations, policies, and
117 procedures as are authorized by the bylaws.

118 3. To employ an FHSAA executive director, who has ~~shall~~
119 ~~have~~ the authority to waive the bylaws of the FHSAA in order to
120 comply with statutory changes. The hiring of the executive
121 director must be ratified by the State Board of Education.

122 4. To levy annual dues and other fees and to set the
123 percentage of contest receipts to be collected by the FHSAA.

124 5. To approve the budget of the FHSAA. The budget adopted
125 by the board of directors must be ratified by the State Board of
126 Education.



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127 6. To organize and conduct statewide interscholastic
128 competitions, which may or may not lead to state championships,
129 and to establish the terms and conditions for these
130 competitions.

131 7. To act as an administrative board in the interpretation
132 of, and final decision on, all questions and appeals arising
133 from the directing of interscholastic athletics of member
134 schools.

135 8. To approve, reject, or amend any legislative
136 recommendations from the representative assembly. Approval of
137 such recommendations requires a majority vote of the board.

138 (5) REPRESENTATIVE ASSEMBLY.—

139 (a) ~~The legislative authority of the FHSAA is vested in its~~
140 representative assembly may make legislative recommendations to
141 the board of directors.

142 (h) The authority of the representative assembly is limited
143 to its sole duty, which is to consider, adopt, or reject any
144 recommended proposed amendments to the FHSAA's bylaws.

145 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

146 (b) A ~~No~~ member of the board of directors or the committee
147 on appeals may not, ~~or representative assembly is eligible to~~
148 serve on the public liaison advisory committee.

149 (8) AMENDMENT OF BYLAWS.—Each member school representative,
150 the board of directors acting as a whole or ~~as~~ members acting
151 individually, any advisory committee acting as a whole to be
152 established by the FHSAA, the commissioner, and the FHSAA's
153 executive director may ~~are empowered to~~ propose amendments to
154 the bylaws. Any other individual may propose an amendment by
155 securing the sponsorship of any such ~~of the aforementioned~~



273934

156 individuals or bodies. All proposed amendments must be submitted
157 directly to the representative assembly for its consideration.
158 The representative assembly shall provide a recommendation to
159 the board of directors to either adopt, reject, or revise any
160 proposed amendments, while empowered to adopt, reject, or revise
161 proposed amendments, may not, in and of itself, as a body be
162 allowed to propose any amendment for its own consideration.

163 Section 2. Section 1006.185, Florida Statutes, is created
164 to read:

165 1006.185 Opening remarks at high school athletic contests.-
166 Each athletic association designated under s. 1006.20 whose
167 membership includes public schools shall adopt bylaws, policies,
168 or procedures that provide each school participating in a high
169 school championship contest or series of contests under the
170 direction and supervision of the association the opportunity to
171 make brief opening remarks, if requested by the school, using
172 the public address system at the event. Such remarks may not be
173 longer than 2 minutes per participating school. The athletic
174 association may not control, monitor, or review the content of
175 the opening remarks and may not control the school's choice of
176 speaker. Member schools may not provide remarks that are
177 derogatory, rude, or threatening. Before the opening remarks, an
178 announcement must be made that the content of any opening
179 remarks by a participating school is not endorsed by and does
180 not reflect the views and or opinions of the athletic
181 association. The decision to allow opening remarks before
182 regular season contests is at the discretion of each school.

183 Section 3. This act shall take effect July 1, 2023.
184



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

186 And the title is amended as follows:

187 Delete everything before the enacting clause

188 and insert:

189 A bill to be entitled

190 An act relating to interscholastic activities;
191 amending s. 1006.20, F.S.; requiring the Florida High
192 School Athletic Association (FHSAA) to allow any
193 school joining the organization by sport to
194 participate in the championship contest or series of
195 contests for that sport; providing that the
196 Commissioner of Education may direct the FHSAA to
197 revise its bylaws at any time; requiring that any
198 changes to the FHSAA bylaws be ratified by the State
199 Board of Education; deleting a requirement that the
200 appointing authority of members of the FHSAA Board of
201 Directors make appointments that reflect the
202 demographic and population trends of this state;
203 revising the composition of the board of directors;
204 providing that all appointed board members be
205 appointed by the Governor and confirmed by the Senate;
206 requiring that the hiring of the FHSAA executive
207 director be ratified by the State Board of Education;
208 requiring that the budget adopted by the board of
209 directors be ratified by the State Board of Education;
210 requiring a majority vote of the board of directors
211 for the approval of legislative recommendations from
212 the representative assembly; creating s. 1006.185,
213 F.S.; requiring each approved athletic association



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214 whose membership includes public schools to allow each
215 participating school to make opening remarks at
216 certain athletic contests; providing requirements for
217 the remarks; providing an effective date.



752330

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/06/2023	.	
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	.	

The Committee on Education Pre-K -12 (Grall) recommended the following:

1 **Senate Amendment to Amendment (273934) (with title**
2 **amendment)**

3
4 Before line 5
5 insert:

6 Section 1. Subsection (11) of section 1002.33, Florida
7 Statutes, is amended to read:

8 1002.33 Charter schools.—

9 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
10 ACTIVITIES.—A charter school student is eligible to participate



752330

11 in an interscholastic extracurricular activity at the public
12 school to which the student would be otherwise assigned to
13 attend, or may develop an agreement to participate at a private
14 school, pursuant to s. 1006.15(3)(d).

15 Section 2. Paragraph (d) of subsection (3) of section
16 1006.15, Florida Statutes, is amended to read:

17 1006.15 Student standards for participation in
18 interscholastic and intrascholastic extracurricular student
19 activities; regulation.—

20 (3)

21 (d) An individual charter school student pursuant to s.
22 1002.33 is eligible to participate at the public school to which
23 the student would be assigned according to district school board
24 attendance area policies or which the student could attend, or
25 may develop an agreement to participate at a private school, in
26 any interscholastic extracurricular activity of that school,
27 unless such activity is provided by the student's charter
28 school, if the following conditions are met:

29 1. The charter school student must meet the requirements of
30 the charter school education program as determined by the
31 charter school governing board.

32 2. During the period of participation at a school, the
33 charter school student must demonstrate educational progress as
34 required in paragraph (b).

35 3. The charter school student must meet the same residency
36 requirements as other students in the school at which he or she
37 participates.

38 4. The charter school student must meet the same standards
39 of acceptance, behavior, and performance that are required of



40 other students in extracurricular activities.

41 5. The charter school student must register with the school
42 his or her intent to participate in interscholastic
43 extracurricular activities as a representative of the school
44 before participation. A charter school student must be able to
45 participate in curricular activities if that is a requirement
46 for an extracurricular activity.

47 6. A student who transfers from a charter school program to
48 a traditional public school before or during the first grading
49 period of the school year is academically eligible to
50 participate in interscholastic extracurricular activities during
51 the first grading period if the student has a successful
52 evaluation from the previous school year⁷ pursuant to
53 subparagraph 2.

54 7. Any public school or private school student who has been
55 unable to maintain academic eligibility for participation in
56 interscholastic extracurricular activities is ineligible to
57 participate in such activities as a charter school student until
58 the student has successfully completed one grading period in a
59 charter school pursuant to subparagraph 2. to become eligible to
60 participate as a charter school student.

61
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Between lines 190 and 191

65 insert:

66 amending ss. 1002.33 and 1006.15, F.S.; authorizing
67 charter school students to participate in
68 interscholastic extracurricular activities at private



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69

schools under certain circumstances;

By Senator Collins

14-00593-23

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1 A bill to be entitled
 2 An act relating to interscholastic and intrascholastic
 3 activities; amending s. 1006.20, F.S.; providing for
 4 the approval of athletic associations that meet
 5 certain requirements; providing a definition;
 6 requiring certain athletic associations to operate
 7 under a contract with the State Board of Education;
 8 requiring the State Board of Education to annually
 9 review specified information relating to such athletic
 10 associations; providing that private schools and
 11 traditional public schools are considered high schools
 12 for specified purposes; prohibiting public schools
 13 from maintaining memberships in or paying dues or fees
 14 to certain athletic associations; providing that
 15 approved athletic associations are subject to certain
 16 requirements; requiring approved athletic associations
 17 to adopt certain bylaws; requiring approved athletic
 18 associations to establish a certain appeals process;
 19 authorizing certain sports medicine advisory
 20 committees to establish specified definitions related
 21 to concussions; requiring certain approved athletic
 22 associations to establish sports medicine advisory
 23 committees that meet certain membership requirements;
 24 amending s. 1006.15, F.S.; authorizing home education
 25 students, Florida Virtual School students, and private
 26 school students to participate in interscholastic and
 27 intrascholastic activities at certain schools;
 28 revising the requirements for such students to
 29 participate in such activities; providing for the

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30 continued participation in such activities by certain
 31 students who transfer from a public school; conforming
 32 cross-references and provisions to changes made by the
 33 act; creating s. 1006.185, F.S.; requiring certain
 34 athletic associations to adopt bylaws, policies, or
 35 procedures allowing opening remarks at specified
 36 events; providing requirements for such remarks;
 37 requiring certain announcements before such remarks;
 38 providing that opening remarks at specified events are
 39 at the discretion of each school; amending ss.
 40 768.135, 1002.20, 1002.42, 1006.165, 1006.18,
 41 1006.195, 1012.468, 1012.795, and 1012.796, F.S.;
 42 conforming cross-references and provisions to changes
 43 made by the act; providing an effective date.
 44

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

46
 47 Section 1. Section 1006.20, Florida Statutes, is amended to
 48 read:

49 1006.20 Athletics in public K-12 schools.—

50 (1) GOVERNING NONPROFIT ATHLETIC ASSOCIATION ORGANIZATION.—

51 The Florida High School Athletic Association (FHSAA) is
 52 designated as the governing nonprofit athletic association
 53 ~~organization of athletics~~ in Florida public schools. ~~If the~~
 54 ~~FHSAA fails to meet the provisions of this section, The State~~
 55 Board of Education may approve other ~~commissioner shall~~
 56 ~~designate a~~ nonprofit athletic associations. As used in this
 57 section, the term "approved athletic association" means the
 58 FHSAA and other nonprofit athletic associations approved by

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 59 ~~organization to govern athletics with the approval of the State~~
 60 ~~Board of Education. Each nonprofit athletic association subject~~
 61 ~~to the requirements of this section shall operate under a~~
 62 ~~contract with the State Board of Education. Before entering into~~
 63 ~~a contract with an association, the State Board of Education~~
 64 ~~shall annually review, at a minimum, the bylaws, policies, and~~
 65 ~~dues and fees of the association for compliance with subpart D.~~
 66 ~~of this part. Any approved athletic association The FHSAA is not~~
 67 ~~a state agency as defined in s. 120.52 but is. The FHSAA shall~~
 68 ~~be subject to ss. 1006.15-1006.19 the provisions of s. 1006.19.~~

(2) MEMBERSHIP. ~~A private school that wishes to engage in~~
 69 ~~high school athletic competition with a public high school may~~
 70 ~~become a member of the FHSAA. Any high school in this the state,~~
 71 ~~including private schools, traditional public schools, charter~~
 72 ~~schools, virtual schools, and home education cooperatives, may~~
 73 ~~become a member of any approved athletic association. However, a~~
 74 ~~public school may not maintain membership in or pay dues or fees~~
 75 ~~to any athletic association that is not operated under a~~
 76 ~~contract with the State Board of Education the FHSAA and~~
 77 ~~participate in the activities of the FHSAA. However, Membership~~
 78 ~~in an association the FHSAA is not mandatory for any school.~~
 79 ~~Approved athletic associations The FHSAA must allow any a~~
 80 ~~private school or cooperative the option of maintaining full~~
 81 ~~membership in the association or joining by sport and may not~~
 82 ~~discourage any a private school or cooperative from~~
 83 ~~simultaneously maintaining membership in another athletic~~
 84 ~~association. Approved athletic associations The FHSAA may allow~~
 85 ~~a public school the option to apply for consideration to join~~
 86 ~~another athletic association. the FHSAA may not deny or~~
 87

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 88 discourage interscholastic competition between its member
 89 schools and ~~nonmember non-FHSAA member~~ Florida schools,
 90 including members of another approved athletic association
 91 ~~governing organization~~, and may not take any retributory or
 92 discriminatory action against any of its member schools that
 93 participate in interscholastic competition with ~~nonmember non-~~
 94 ~~FHSAA member~~ Florida schools. The FHSAA may not ~~unreasonably~~
 95 withhold its approval of an application to become an affiliate
 96 member of the National Federation of State High School
 97 Associations submitted by any other approved athletic
 98 ~~association organization~~ that governs interscholastic athletic
 99 competition in this state. The bylaws of each approved athletic
 100 ~~association the FHSAA~~ are the rules by which high school
 101 athletic programs in its member schools, and the students who
 102 participate in them, are governed, unless otherwise specifically
 103 provided by statute. For the purposes of this section, the term
 104 "high school" includes grades 6 through 12.

(3)(2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.-

(a) Each approved athletic association the FHSAA shall
 106 adopt bylaws that, unless specifically provided by statute,
 107 establish eligibility requirements for all students who
 108 participate in high school athletic competition in its member
 109 schools. The bylaws governing residence and transfer ~~must shall~~
 110 allow the student to be immediately eligible in the school in
 111 which he or she first enrolls each school year or the school in
 112 which the student makes himself or herself a candidate for an
 113 athletic team by engaging in a practice ~~before prior to~~
 114 enrolling in the school. The bylaws ~~must shall~~ also allow the
 115 student to be immediately eligible in the school to which the
 116

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117 student has transferred. The student shall be eligible in that
 118 school so long as he or she remains enrolled in that school.
 119 Subsequent eligibility shall be determined and enforced through
 120 the ~~association's FHSAA's~~ bylaws. Requirements governing
 121 eligibility and transfer between member schools shall be applied
 122 similarly to public school students and private school students.

123 (b) Each approved athletic association ~~the FHSAA~~ shall
 124 adopt bylaws that specifically prohibit the recruiting of
 125 students for athletic purposes. The bylaws shall prescribe
 126 penalties and an appeals process for athletic recruiting
 127 violations.

128 1. If it is determined that a school has recruited a
 129 student in violation of association FHSAA bylaws, the
 130 association FHSAA may require the school to participate in a
 131 higher classification for the sport in which the recruited
 132 student competes for a minimum of one classification cycle, in
 133 addition to the penalties in subparagraphs 2. and 3. and any
 134 other appropriate fine or sanction imposed on the school, its
 135 coaches, or adult representatives who violate recruiting rules.

136 2. Any recruitment by a school district employee or
 137 contractor in violation of association FHSAA bylaws results in
 138 escalating punishments as follows:

139 a. For a first offense, a \$5,000 forfeiture of pay for the
 140 school district employee or contractor who committed the
 141 violation.

142 b. For a second offense, suspension without pay for 12
 143 months from coaching, directing, or advertising an
 144 extracurricular activity and a \$5,000 forfeiture of pay for the
 145 school district employee or contractor who committed the

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146 violation.

147 c. For a third offense, a \$5,000 forfeiture of pay for the
 148 school district employee or contractor who committed the
 149 violation. If the individual who committed the violation holds
 150 an educator certificate, the association FHSAA shall also refer
 151 the violation to the department for review pursuant to s.
 152 1012.796 to determine whether probable cause exists, and, if
 153 there is a finding of probable cause, the commissioner shall
 154 file a formal complaint against the individual. If the complaint
 155 is upheld, the individual's educator certificate shall be
 156 revoked for 3 years, in addition to any penalties available
 157 under s. 1012.796. Additionally, the department shall revoke any
 158 adjunct teaching certificates issued pursuant to s. 1012.57 and
 159 all permissions under ss. 1012.39 and 1012.43, and the educator
 160 is ineligible for such certificates or permissions for a period
 161 of time equal to the period of revocation of his or her state-
 162 issued certificate.

163 3. Notwithstanding any other provision of law, a school,
 164 team, or activity shall forfeit all competitions, including
 165 honors resulting from such competitions, in which a student who
 166 participated in any fashion was recruited in a manner prohibited
 167 pursuant to state law or the association FHSAA bylaws.

168 4. A student may not be declared ineligible based on
 169 violation of recruiting rules unless the student or parent has
 170 falsified any enrollment or eligibility document or accepted any
 171 benefit if such benefit is not generally available to the
 172 school's students or family members or is based in any way on
 173 athletic interest, potential, or performance.

174 5. A student's eligibility to participate in any

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175 interscholastic or intrascholastic extracurricular activity, as
 176 determined by a district school board pursuant to s.
 177 1006.195(1)(a)3., may not be affected by any alleged recruiting
 178 violation until final disposition of the allegation.

179 (c) Each approved athletic association ~~the FHSAA~~ shall
 180 adopt bylaws that require all students participating in
 181 interscholastic athletic competition or who are candidates for
 182 an interscholastic athletic team to satisfactorily pass a
 183 medical evaluation each year before participating in
 184 interscholastic athletic competition or engaging in any
 185 practice, tryout, workout, conditioning, or other physical
 186 activity associated with the student's candidacy for an
 187 interscholastic athletic team, including activities that occur
 188 outside of the school year. Such medical evaluation may be
 189 administered only by a practitioner licensed under chapter 458,
 190 chapter 459, chapter 460, or s. 464.012 or registered under s.
 191 464.0123 and in good standing with the practitioner's regulatory
 192 board. The bylaws shall establish requirements for eliciting a
 193 student's medical history and performing the medical evaluation
 194 required under this paragraph, which shall include a physical
 195 assessment of the student's physical capabilities to participate
 196 in interscholastic athletic competition as contained in a
 197 uniform preparticipation physical evaluation and history form.
 198 The evaluation form shall incorporate the recommendations of the
 199 American Heart Association for participation cardiovascular
 200 screening and shall provide a place for the signature of the
 201 practitioner performing the evaluation with an attestation that
 202 each examination procedure listed on the form was performed by
 203 the practitioner or by someone under the direct supervision of

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204 the practitioner. The form shall also contain a place for the
 205 practitioner to indicate if a referral to another practitioner
 206 was made in lieu of completion of a certain examination
 207 procedure. The form shall provide a place for the practitioner
 208 to whom the student was referred to complete the remaining
 209 sections and attest to that portion of the examination. The
 210 preparticipation physical evaluation form shall advise students
 211 to complete a cardiovascular assessment and shall include
 212 information concerning alternative cardiovascular evaluation and
 213 diagnostic tests. Results of such medical evaluation must be
 214 provided to the school. A student is not eligible to
 215 participate, as provided in s. 1006.15(3), in any
 216 interscholastic athletic competition or engage in any practice,
 217 tryout, workout, or other physical activity associated with the
 218 student's candidacy for an interscholastic athletic team until
 219 the results of the medical evaluation have been received and
 220 approved by the school.

221 (d) Notwithstanding ~~the provisions of~~ paragraph (c), a
 222 student may participate in interscholastic athletic competition
 223 or be a candidate for an interscholastic athletic team if the
 224 parent of the student objects in writing to the student
 225 undergoing a medical evaluation because such evaluation is
 226 contrary to his or her religious tenets or practices. However,
 227 in such case, there shall be no liability on the part of any
 228 person or entity in a position to otherwise rely on the results
 229 of such medical evaluation for any damages resulting from the
 230 student's injury or death arising directly from the student's
 231 participation in interscholastic athletics where an undisclosed
 232 medical condition that would have been revealed in the medical

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233 evaluation is a proximate cause of the injury or death.

234 (e) Each approved athletic association ~~the FHSAA~~ shall

235 adopt bylaws that regulate persons who conduct investigations on

236 behalf of the association ~~FHSAA~~. The bylaws shall include

237 provisions that require an investigator to:

238 1. Undergo level 2 background screening under s. 435.04,

239 establishing that the investigator has not committed any

240 disqualifying offense listed in s. 435.04, unless the

241 investigator can provide proof of compliance with level 2

242 screening standards submitted within the previous 5 years to

243 meet any professional licensure requirements, provided:

244 a. The investigator has not had a break in service from a

245 position that requires level 2 screening for more than 90 days;

246 and

247 b. The investigator submits, under penalty of perjury, an

248 affidavit verifying that the investigator has not committed any

249 disqualifying offense listed in s. 435.04 and is in full

250 compliance with this paragraph.

251 2. Be appointed as an investigator by the executive

252 director.

253 3. Carry a photo identification card that shows the

254 association's ~~FHSAA~~ name and ~~logo~~, and the investigator's

255 official title.

256 4. Adhere to the following guidelines:

257 a. Investigate only those alleged violations assigned by

258 the executive director or the board of directors.

259 b. Conduct interviews on Monday through Friday between the

260 hours of 9 a.m. and 7 p.m. only, unless previously agreed to by

261 the interviewee.

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262 c. Allow the parent of any student being interviewed to be

263 present during the interview.

264 d. Search residences or other private areas only with the

265 permission of the executive director and the written consent of

266 the student's parent and only with a parent or a representative

267 of the parent present.

268 (f) Each approved athletic association ~~the FHSAA~~ shall

269 adopt bylaws that establish sanctions for coaches who have

270 committed major violations of the association's ~~FHSAA's~~ bylaws

271 and policies.

272 1. Major violations include, but are not limited to,

273 knowingly allowing an ineligible student to participate in a

274 contest representing a member school in an interscholastic

275 contest or committing a violation of the association's ~~FHSAA's~~

276 recruiting or sportsmanship policies.

277 2. Sanctions placed upon an individual coach may include,

278 but are not limited to, prohibiting or suspending the coach from

279 coaching, participating in, or attending any athletic activity

280 sponsored, recognized, or sanctioned by the association ~~FHSAA~~

281 and the member school for which the coach committed the

282 violation. If a coach is sanctioned by the association ~~FHSAA~~ and

283 the coach transfers to another member school, those sanctions

284 remain in full force and effect during the term of the sanction.

285 3. If a member school is assessed a financial penalty as a

286 result of a coach committing a major violation, the coach shall

287 reimburse the member school before being allowed to coach,

288 participate in, or attend any athletic activity sponsored,

289 recognized, or sanctioned by the association ~~FHSAA~~ and a member

290 school.

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291 4. The association ~~FHSAA~~ shall establish a due process
 292 procedure for coaches sanctioned under this paragraph,
 293 consistent with the appeals procedures set forth in subsection
 294 (8) ~~(7)~~.

295 (g) Each approved athletic association ~~the FHSAA~~ shall
 296 adopt bylaws establishing the process and standards by which the
 297 association's ~~FHSAA~~ determinations of eligibility are made. Such
 298 bylaws shall provide that:

299 1. Ineligibility must be established by a preponderance of
 300 the evidence;

301 2. Student athletes, parents, and schools must have notice
 302 of the initiation of any investigation or other inquiry into
 303 eligibility and may present, to the investigator and to the
 304 individual making the eligibility determination, any information
 305 or evidence that is credible, persuasive, and of a kind
 306 reasonably prudent persons rely upon in the conduct of serious
 307 affairs;

308 3. An investigator may not determine matters of eligibility
 309 but must submit information and evidence to the executive
 310 director or a person designated by the executive director or by
 311 the board of directors for an unbiased and objective
 312 determination of eligibility; and

313 4. A determination of ineligibility must be made in
 314 writing, setting forth the findings of fact and specific
 315 violation upon which the decision is based.

316 (h) In lieu of bylaws adopted under paragraph (g), an
 317 approved athletic association ~~the FHSAA~~ may adopt bylaws
 318 providing as a minimum the procedural safeguards of ss. 120.569
 319 and 120.57, making appropriate provision for appointment of

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320 unbiased and qualified hearing officers.

321 (i) An approved athletic association's ~~the FHSAA~~ bylaws may
 322 not limit the competition of student athletes prospectively for
 323 rule violations of their school or its coaches or their adult
 324 representatives. The association ~~FHSAA~~ bylaws may not unfairly
 325 punish student athletes for eligibility or recruiting violations
 326 perpetrated by a teammate, coach, or administrator. Contests may
 327 not be forfeited for inadvertent eligibility violations unless
 328 the coach or a school administrator should have known of the
 329 violation. Contests may not be forfeited for other eligibility
 330 violations or recruiting violations in excess of the number of
 331 contests that the coaches and adult representatives responsible
 332 for the violations are prospectively suspended.

333 (j) Each approved athletic association ~~the FHSAA~~ shall
 334 adopt guidelines to educate athletic coaches, officials,
 335 administrators, and student athletes and their parents of the
 336 nature and risk of concussion and head injury.

337 (k) Each approved athletic association ~~the FHSAA~~ shall
 338 adopt bylaws or policies that require the parent of a student
 339 who is participating in interscholastic athletic competition or
 340 who is a candidate for an interscholastic athletic team to sign
 341 and return an informed consent that explains the nature and risk
 342 of concussion and head injury, including the risk of continuing
 343 to play after concussion or head injury, each year before
 344 participating in interscholastic athletic competition or
 345 engaging in any practice, tryout, workout, or other physical
 346 activity associated with the student's candidacy for an
 347 interscholastic athletic team.

348 (l) Each approved athletic association ~~the FHSAA~~ shall

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349 adopt bylaws or policies that require each student athlete who
 350 is suspected of sustaining a concussion or head injury in a
 351 practice or competition to be immediately removed from the
 352 activity. A student athlete who has been removed from an
 353 activity may not return to practice or competition until the
 354 student submits to the school a written medical clearance to
 355 return stating that the student athlete no longer exhibits
 356 signs, symptoms, or behaviors consistent with a concussion or
 357 other head injury. Medical clearance must be authorized by the
 358 appropriate health care practitioner trained in the diagnosis,
 359 evaluation, and management of concussions as defined by a the
 360 sports medicine advisory committee established pursuant to
 361 paragraph (m) of the Florida High School Athletic Association.

362 (m) 1. The FHSAA shall adopt bylaws for the establishment
 363 and duties of a sports medicine advisory committee composed of
 364 the following members:

365 a.1. Eight physicians licensed under chapter 458 or chapter
 366 459 with at least one member licensed under chapter 459.

367 b.2. One chiropractor licensed under chapter 460.

368 c.3. One podiatrist licensed under chapter 461.

369 d.4. One dentist licensed under chapter 466.

370 e.5. Three athletic trainers licensed under part XIII of
 371 chapter 468.

372 f.6. One member who is a current or retired head coach of a
 373 high school in this the state.

374 2. An approved athletic association that does not rely on
 375 the recommendations of the sports medicine advisory committee of
 376 the FHSAA shall establish a sports medicine advisory committee
 377 whose membership satisfies the requirements of subparagraph 1.

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378 ~~(4)(3)~~ GOVERNING STRUCTURE OF THE FHSAA.—

379 (a) The FHSAA shall operate as a representative democracy
 380 in which the sovereign authority is within its member schools.
 381 Except as provided in this section, the FHSAA shall govern its
 382 affairs through its bylaws.

383 (b) Each member school, on its annual application for
 384 membership, shall name its official representative to the FHSAA.
 385 This representative must be either the school principal or his
 386 or her designee. That designee must either be an assistant
 387 principal or athletic director housed within that same school.

388 (c) The FHSAA's membership shall be divided along existing
 389 county lines into four contiguous and compact administrative
 390 regions, each containing an equal or nearly equal number of
 391 member schools to ensure equitable representation on the FHSAA's
 392 board of directors, representative assembly, and appeals
 393 committees.

394 ~~(5)(4)~~ FHSAA BOARD OF DIRECTORS.—

395 (a) The executive authority of the FHSAA shall be vested in
 396 its board of directors. Any entity that appoints members to the
 397 board of directors shall examine the ethnic and demographic
 398 composition of the board when selecting candidates for
 399 appointment and shall, to the greatest extent possible, make
 400 appointments that reflect state demographic and population
 401 trends. The board of directors shall be composed of 16 persons,
 402 as follows:

403 1. Four public member school representatives, one elected
 404 from among its public school representative members within each
 405 of the four administrative regions.

406 2. Four nonpublic member school representatives, one

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407 elected from among its nonpublic school representative members
 408 within each of the four administrative regions.

409 3. Three representatives appointed by the commissioner, one
 410 appointed from the two northernmost administrative regions and
 411 one appointed from the two southernmost administrative regions.
 412 The third representative shall be appointed to balance the board
 413 for diversity or state population trends, or both.

414 4. Two district school superintendents, one elected from
 415 the two northernmost administrative regions by the members in
 416 those regions and one elected from the two southernmost
 417 administrative regions by the members in those regions.

418 5. Two district school board members, one elected from the
 419 two northernmost administrative regions by the members in those
 420 regions and one elected from the two southernmost administrative
 421 regions by the members in those regions.

422 6. The commissioner or his or her designee from the
 423 department executive staff.

424 (b) A quorum of the board of directors shall consist of
 425 nine members.

426 (c) The board of directors shall elect a president and a
 427 vice president from among its members. These officers shall also
 428 serve as officers of the FHSAA.

429 (d) Members of the board of directors shall serve terms of
 430 3 years and are eligible to succeed themselves only once. A
 431 member of the board of directors, other than the commissioner or
 432 his or her designee, may serve a maximum of 6 consecutive years.
 433 The FHSAA's bylaws shall establish a rotation of terms to ensure
 434 that a majority of the members' terms do not expire
 435 concurrently.

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436 (e) The authority and duties of the board of directors,
 437 acting as a body and in accordance with the FHSAA's bylaws, are
 438 as follows:

439 1. To act as the incorporated FHSAA's board of directors
 440 and to fulfill its obligations as required by the FHSAA's
 441 charter and articles of incorporation.

442 2. To establish such guidelines, regulations, policies, and
 443 procedures as are authorized by the bylaws.

444 3. To employ an FHSAA executive director, who shall have
 445 the authority to waive the bylaws of the FHSAA in order to
 446 comply with statutory changes.

447 4. To levy annual dues and other fees and to set the
 448 percentage of contest receipts to be collected by the FHSAA.

449 5. To approve the budget of the FHSAA.

450 6. To organize and conduct statewide interscholastic
 451 competitions, which may or may not lead to state championships,
 452 and to establish the terms and conditions for these
 453 competitions.

454 7. To act as an administrative board in the interpretation
 455 of, and final decision on, all questions and appeals arising
 456 from the directing of interscholastic athletics of member
 457 schools.

458 ~~(6)-(5)~~ FHSAA REPRESENTATIVE ASSEMBLY.—

459 (a) The legislative authority of the FHSAA is vested in its
 460 representative assembly.

461 (b) The representative assembly shall be composed of the
 462 following:

463 1. An equal number of member school representatives from
 464 each of the four administrative regions.

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465 2. Four district school superintendents, one elected from
 466 each of the four administrative regions by the district school
 467 superintendents in their respective administrative regions.

468 3. Four district school board members, one elected from
 469 each of the four administrative regions by the district school
 470 board members in their respective administrative regions.

471 4. The commissioner or his or her designee from the
 472 department executive staff.

473 (c) The FHSAA's bylaws shall establish the number of member
 474 school representatives to serve in the representative assembly
 475 from each of the four administrative regions and shall establish
 476 the method for their selection.

477 (d) No member of the board of directors other than the
 478 commissioner or his or her designee can serve in the
 479 representative assembly.

480 (e) The representative assembly shall elect a chairperson
 481 and a vice chairperson from among its members.

482 (f) Elected members of the representative assembly shall
 483 serve terms of 2 years and are eligible to succeed themselves
 484 for two additional terms. An elected member, other than the
 485 commissioner or his or her designee, may serve a maximum of 6
 486 consecutive years in the representative assembly.

487 (g) A quorum of the representative assembly consists of one
 488 more than half of its members.

489 (h) The authority of the representative assembly is limited
 490 to its sole duty, which is to consider, adopt, or reject any
 491 proposed amendments to the FHSAA's bylaws.

492 (i) The representative assembly shall meet as a body
 493 annually. A two-thirds majority of the votes cast by members

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494 present is required for passage of any proposal.

495 ~~(7)~~(6) FHSAA PUBLIC LIAISON ADVISORY COMMITTEE.—

496 (a) The FHSAA shall establish, sustain, fund, and provide
 497 staff support to a public liaison advisory committee composed of
 498 the following:

499 1. The commissioner or his or her designee.

500 2. A member public school principal.

501 3. A member private school principal.

502 4. A member school principal who is a member of a racial
 503 minority.

504 5. An active athletic director.

505 6. An active coach, who is employed full time by a member
 506 school.

507 7. A student athlete.

508 8. A district school superintendent.

509 9. A district school board member.

510 10. A member of the Florida House of Representatives.

511 11. A member of the Florida Senate.

512 12. A parent of a high school student.

513 13. A member of a home education association.

514 14. A representative of the business community.

515 15. A representative of the news media.

516 (b) No member of the board of directors, committee on
 517 appeals, or representative assembly is eligible to serve on the
 518 public liaison advisory committee.

519 (c) The public liaison advisory committee shall elect a
 520 chairperson and vice chairperson from among its members.

521 (d) The authority and duties of the public liaison advisory
 522 committee are as follows:

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523 1. To act as a conduit through which the general public may
524 have input into the decisionmaking process of the FHSAA and to
525 assist the FHSAA in the development of procedures regarding the
526 receipt of public input and disposition of complaints related to
527 high school athletic and competition programs.

528 2. To conduct public hearings annually in each of the four
529 administrative regions during which interested parties may
530 address issues regarding the effectiveness of the rules,
531 operation, and management of the FHSAA.

532 3. To conduct an annual evaluation of the FHSAA as a whole
533 and present a report of its findings, conclusion, and
534 recommendations to the board of directors, to the commissioner,
535 and to the respective education committees of the Florida Senate
536 and the Florida House of Representatives. The recommendations
537 must delineate policies and procedures that will improve the
538 implementation and oversight of high school athletic programs by
539 the FHSAA.

540 (e) The public liaison advisory committee shall meet four
541 times annually. Additional meetings may be called by the
542 committee chairperson, the FHSAA president, or the FHSAA
543 executive director.

544 ~~(8)(7)~~ APPEALS.—

545 (a) Each approved athletic association ~~the FHSAA~~ shall
546 establish a procedure of due process which ensures each student
547 the opportunity to appeal an unfavorable ruling with regard to
548 his or her eligibility to compete. The initial appeal shall be
549 made to a committee on appeals within the administrative region
550 in which the student lives. The approved athletic association's
551 ~~FHSAA's~~ bylaws shall establish the number, size, and composition

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552 of each committee on appeals.

553 (b) No member of the board of directors is eligible to
554 serve on a committee on appeals.

555 (c) Members of a committee on appeals shall serve terms of
556 3 years and are eligible to succeed themselves only once. A
557 member of a committee on appeals may serve a maximum of 6
558 consecutive years. The approved athletic association's ~~FHSAA's~~
559 bylaws shall establish a rotation of terms to ensure that a
560 majority of the members' terms do not expire concurrently.

561 (d) The authority and duties of a committee on appeals
562 shall be to consider requests by member schools seeking
563 exceptions to bylaws and regulations, to hear undue hardship
564 eligibility cases filed by member schools on behalf of student
565 athletes, and to hear appeals filed by member schools or student
566 athletes.

567 (e) A student athlete or member school that receives an
568 unfavorable ruling from a committee on appeals shall be entitled
569 to appeal that decision to the board of directors at its next
570 regularly scheduled meeting or called meeting. The board of
571 directors shall have the authority to uphold, reverse, or amend
572 the decision of the committee on appeals. In all such cases, the
573 decision of the board of directors shall be final.

574 (f) The approved athletic association ~~FHSAA~~ shall expedite
575 the appeals process on determinations of ineligibility so that
576 disposition of the appeal can be made before the end of the
577 applicable sports season, if possible.

578 (g) In any appeal from a decision on eligibility made by
579 the executive director or a designee, a school or student
580 athlete filing the appeal must be permitted to present

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581 information and evidence that was not available at the time of
 582 the initial determination or if the determination was not made
 583 by an unbiased, objective individual using a process allowing
 584 full due process rights to be heard and to present evidence. If
 585 evidence is presented on appeal, a de novo decision must be made
 586 by the committee or board hearing the appeal, or the
 587 determination may be suspended and the matter remanded for a new
 588 determination based on all the evidence. If a de novo decision
 589 is made on appeal, the decision must be made in writing, setting
 590 forth the findings of fact and specific violation upon which the
 591 decision is based. If a de novo decision is not required, the
 592 decision appealed must be set aside if the decision on
 593 ineligibility was not based on clear and convincing evidence.
 594 Any further appeal shall be considered on a record that includes
 595 all evidence presented.

596 (9)~~(9)~~ AMENDMENT OF FHSAA BYLAWS.—Each member school
 597 representative, the board of directors acting as a whole or as
 598 members acting individually, any advisory committee acting as a
 599 whole to be established by the FHSAA, and the FHSAA's executive
 600 director are empowered to propose amendments to the bylaws. Any
 601 other individual may propose an amendment by securing the
 602 sponsorship of any of the aforementioned individuals or bodies.
 603 All proposed amendments must be submitted directly to the
 604 representative assembly for its consideration. The
 605 representative assembly, while empowered to adopt, reject, or
 606 revise proposed amendments, may not, in and of itself, as a body
 607 be allowed to propose any amendment for its own consideration.

608 Section 2. Present paragraphs (d) through (h) of
 609 subsection (3) of section 1006.15, Florida Statutes, are

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610 redesignated as paragraphs (e) through (i), respectively, a new
 611 paragraph (d) is added to that subsection, subsection (10) is
 612 added to that section, and paragraph (c) and present paragraph
 613 (e) of subsection (3), subsection (8), and paragraph (a) of
 614 subsection (9) are amended, to read:

615 1006.15 Student standards for participation in
 616 interscholastic and intrascholastic extracurricular student
 617 activities; regulation.—

618 (3) (c) An individual home education student, private school
 619 student, or virtual school student is eligible to participate at
 620 any the public school in the school district in which the
 621 student resides ~~to which the student would be assigned according~~
 622 ~~to district school board attendance area policies~~ or which the
 623 student could choose to attend pursuant to s. 1002.31.

624 (d) An individual home education student, ~~or~~ may develop an
 625 agreement to participate at a private school, ~~in the~~
 626 interscholastic extracurricular activities of that school. If an
 627 individual home education student wishes to develop such an
 628 agreement with a private school, or participate at a public
 629 school pursuant to paragraph (c), the following conditions must
 630 be met ~~provided the following conditions are met:~~

631 1. The home education student must meet the requirements of
 632 the home education program pursuant to s. 1002.41.

633 2. During the period of participation at a school, the home
 634 education student must demonstrate educational progress as
 635 required in paragraph (b) in all subjects taken in the home
 636 education program by a method of evaluation agreed upon by the
 637 parent and the school principal which may include: review of the
 638 student's work by a certified teacher chosen by the parent;

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639 grades earned through correspondence; grades earned in courses
640 taken at a Florida College System institution, university, or
641 trade school; standardized test scores above the 35th
642 percentile; or any other method designated in s. 1002.41.

643 3. The home education student must meet the same residency
644 requirements as other students in the school at which he or she
645 participates.

646 4. The home education student must meet the same standards
647 of acceptance, behavior, and performance as required of other
648 students in extracurricular activities.

649 5. The student must register with the school his or her
650 intent to participate in interscholastic extracurricular
651 activities as a representative of the school before
652 participation. A home education student must be able to
653 participate in curricular activities if that is a requirement
654 for an extracurricular activity.

655 6. A student who transfers from a home education program to
656 a public school before or during the first grading period of the
657 school year is academically eligible to participate in
658 interscholastic extracurricular activities during the first
659 grading period provided the student has a successful evaluation
660 from the previous school year, pursuant to subparagraph 2.

661 7. Any public school or private school student who has been
662 unable to maintain academic eligibility for participation in
663 interscholastic extracurricular activities is ineligible to
664 participate in such activities as a home education student until
665 the student has successfully completed one grading period in
666 home education pursuant to subparagraph 2. to become eligible to
667 participate as a home education student.

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668 8. The roster for the specific interscholastic activity in
669 which the home education student would like to participate has
670 not reached the activity's identified maximum size, and the
671 coach or sponsor for the activity determines that the home
672 education student has the requisite skill and ability to
673 participate.

674 ~~(f)(e)~~ A student of the Florida Virtual School full-time
675 program may participate in any interscholastic extracurricular
676 activity at any the public school in the school district in
677 which the student resides ~~to which the student would be assigned~~
678 ~~according to district school board attendance area policies~~ or
679 which the student could choose to attend pursuant to s. 1002.31
680 if ~~the student~~:

681 1. During the period of participation in the
682 interscholastic extracurricular activity, the student meets the
683 requirements in paragraph (a).

684 2. The student meets any additional requirements as
685 determined by the board of trustees of the Florida Virtual
686 School.

687 3. The student meets the same residency requirements as
688 other students in the school at which he or she participates.

689 4. The student meets the same standards of acceptance,
690 behavior, and performance that are required of other students in
691 extracurricular activities.

692 5. The student registers his or her intent to participate
693 in interscholastic extracurricular activities with the school
694 before participation. A Florida Virtual school student must be
695 able to participate in curricular activities if that is a
696 requirement for an extracurricular activity.

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697 6. The roster for the specific interscholastic activity in
 698 which the student would like to participate has not reached the
 699 activity's identified maximum size, and the coach or sponsor for
 700 the activity determines that the student has the requisite skill
 701 and ability to participate.

702 (8) (a) Each approved athletic association under s. 1006.20
 703 ~~the Florida High School Athletic Association (FHSAA), in~~
 704 cooperation with each district school board and member private
 705 school, shall facilitate a program in which a middle school or
 706 high school student who attends a private school shall be
 707 eligible to participate in an interscholastic or intrascholastic
 708 sport at a member public high school, a member public middle
 709 school, or a member 6-12 public school, or a member private
 710 school, as appropriate for the private school student's grade
 711 level to which the student would be assigned according to
 712 district school board attendance area policies and procedures or
 713 which the student could choose to attend pursuant to s. 1002.31,
 714 provided the public school has not reached capacity as
 715 determined by the district school board, if:

716 1. The private school in which the student is enrolled is
 717 not a member of the association FHSAA.

718 2. The private school student meets the guidelines for the
 719 conduct of the program established by the association's FHSAA's
 720 board of directors and the district school board or member
 721 private school. At a minimum, such guidelines shall provide+
 722 ~~a-~~ a deadline for each sport by which the private school
 723 student's parents must register with the member public school in
 724 writing their intent for their child to participate at that
 725 school in the sport.

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726 3. The roster for the specific interscholastic or
 727 intrascholastic sport in which the private school student would
 728 like to participate has not reached the sport's identified
 729 maximum size, and the coach for the sport determines that the
 730 private school student has the requisite skill and ability to
 731 participate.

732 ~~b. Requirements for a private school student to~~
 733 ~~participate, including, but not limited to, meeting the same~~
 734 ~~standards of eligibility, acceptance, behavior, educational~~
 735 ~~progress, and performance which apply to other students~~
 736 ~~participating in interscholastic or intrascholastic sports at a~~
 737 ~~public school or FHSAA member private school.~~

738 (b) The parents of a private school student participating
 739 in a member public school sport under this subsection are
 740 responsible for transporting their child to and from the member
 741 public school at which the student participates. The private
 742 school the student attends, the member public school at which
 743 the student participates in a sport, the district school board,
 744 and the association FHSAA are exempt from civil liability
 745 arising from any injury that occurs to the student during such
 746 transportation.

747 (c) For each academic year, a private school student may
 748 only participate at the member public school in which the
 749 student is first registered under subparagraph (a)2. ~~sub-~~
 750 ~~subparagraph (a)2.a.~~ or makes himself or herself a candidate for
 751 an athletic team by engaging in a practice.

752 (d) The athletic director of each participating association
 753 FHSAA member public school shall maintain the student records
 754 necessary for eligibility, compliance, and participation in the

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755 program.

756 (e) Any ~~nonmember non-FHSAA member~~ private school that has
 757 a student who wishes to participate in this program must make
 758 all student records, including, but not limited to, academic,
 759 financial, disciplinary, and attendance records, available upon
 760 request of the association FHSAA.

761 (f) A student must apply to participate in this program
 762 through the association's FHSAA program application process.

763 (g) Only students who are enrolled in ~~non-FHSAA member~~
 764 private schools consisting of 125 students or fewer are eligible
 765 to participate in the program in any given academic year.

766 (9) (a) A student who transfers to a school during the
 767 school year may seek to immediately join an existing team if the
 768 roster for the specific interscholastic or intrascholastic
 769 extracurricular activity has not reached the activity's
 770 identified maximum size and if the coach for the activity
 771 determines that the student has the requisite skill and ability
 772 to participate. The approved athletic association under s.
 773 1006.20 FHSAA and school district or charter school may not
 774 declare such a student ineligible because the student did not
 775 have the opportunity to comply with qualifying requirements.

776 (10) A student who is participating in an interscholastic
 777 or intrascholastic activity at a public school and who transfers
 778 from the school during the school year must be permitted to
 779 continue to participate in the activity at the school from which
 780 he or she transferred for the remainder of the school year if:

781 (a) During the period of participation in the activity, the
 782 student continues to meet the requirements in paragraph (3) (a).

783 (b) The student continues to meet the same standards of

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784 acceptance, behavior, and performance required of other students
 785 participating in the activity, except for enrollment
 786 requirements at the school at which the student participates.

787 (c) The parents of the student participating in the
 788 activity provide for the transportation of the student to and
 789 from the school at which the student participates. The school
 790 the student attends, the school at which the student
 791 participates in the activity, and the district school board are
 792 exempt from civil liability arising from any injury that occurs
 793 to the student during such transportation.

794 Section 3. Section 1006.185, Florida Statutes, is created
 795 to read:

796 1006.185 Opening remarks at high school athletic contests.-
 797 Each approved athletic association under s. 1006.20 whose
 798 membership includes public schools shall adopt bylaws, policies,
 799 or procedures that provide each school participating in a high
 800 school championship contest, or series of contests, under the
 801 direction and supervision of the association, the opportunity to
 802 make brief opening remarks, if requested by the school, using
 803 the public address system at the event. Such remarks may not be
 804 longer than 2 minutes per school. The athletic association may
 805 not control, monitor, or review the content of the opening
 806 remarks and may not control the school's choice of speaker.
 807 Before the opening remarks, an announcement must be made that
 808 the content of any opening remarks by a participating school are
 809 not endorsed by and do not reflect the views and opinions of the
 810 athletic association. The decision to allow opening remarks
 811 before regular season contests is at the discretion of each
 812 school.

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813 Section 4. Subsection (3) of section 768.135, Florida
 814 Statutes, is amended to read:
 815 768.135 Volunteer team physicians; immunity.—
 816 (3) A practitioner licensed under chapter 458, chapter 459,
 817 chapter 460, or s. 464.012 or registered under s. 464.0123 who
 818 gratuitously and in good faith conducts an evaluation pursuant
 819 to s. 1006.20(3)(c) ~~s. 1006.20(2)(c)~~ is not liable for any civil
 820 damages arising from that evaluation unless the evaluation was
 821 conducted in a wrongful manner.
 822 Section 5. Subsection (17) of section 1002.20, Florida
 823 Statutes, is amended to read:
 824 1002.20 K-12 student and parent rights.—Parents of public
 825 school students must receive accurate and timely information
 826 regarding their child's academic progress and must be informed
 827 of ways they can help their child to succeed in school. K-12
 828 students and their parents are afforded numerous statutory
 829 rights including, but not limited to, the following:
 830 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—
 831 (a) Eligibility.—Eligibility requirements for all students
 832 participating in high school athletic competition must allow a
 833 student to be immediately eligible in the school in which he or
 834 she first enrolls each school year, the school in which the
 835 student makes himself or herself a candidate for an athletic
 836 team by engaging in practice before enrolling, or the school to
 837 which the student has transferred, in accordance with s.
 838 1006.20(3)(a) ~~s. 1006.20(2)(a)~~.
 839 (b) Medical evaluation.—Students must satisfactorily pass a
 840 medical evaluation each year before participating in athletics,
 841 unless the parent objects in writing based on religious tenets

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842 or practices, in accordance with s. 1006.20(3)(d) ~~the provisions~~
 843 ~~of s. 1006.20(2)(d)~~.
 844 Section 6. Subsection (8) of section 1002.42, Florida
 845 Statutes, is amended to read:
 846 1002.42 Private schools.—
 847 (8) ATHLETIC COMPETITION.—A private school may participate
 848 in athletic competition with a public high school in accordance
 849 with s. 1006.20(2) ~~the provisions of s. 1006.20(1)~~.
 850 Section 7. Paragraph (a) of subsection (1) and paragraph
 851 (a) of subsection (2) of section 1006.165, Florida Statutes, are
 852 amended to read:
 853 1006.165 Well-being of students participating in
 854 extracurricular activities; training.—
 855 (1)(a) Each public school that is a member of any approved
 856 athletic association under s. 1006.20 ~~the Florida High School~~
 857 ~~Athletic Association (FHSAA)~~ must have an operational automated
 858 external defibrillator on the school grounds. The defibrillator
 859 must be available in a clearly marked and publicized location
 860 for each athletic contest, practice, workout, or conditioning
 861 session, including those conducted outside of the school year.
 862 Public and private partnerships are encouraged to cover the cost
 863 associated with the purchase and placement of the defibrillator
 864 and training in the use of the defibrillator.
 865 (2)(a) In order to better protect student athletes
 866 participating in athletics during hot weather and avoid
 867 preventable injury or death, each approved athletic association
 868 under s. 1006.20 ~~the FHSAA~~ shall:
 869 1. Make training and resources available to each member
 870 school for the effective monitoring of heat stress.

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871 2. Establish guidelines for monitoring heat stress and
872 identify heat stress levels at which a school must make a
873 cooling zone available for each outdoor athletic contest,
874 practice, workout, or conditioning session. Heat stress must be
875 determined by measuring the ambient temperature, humidity, wind
876 speed, sun angle, and cloud cover at the site of the athletic
877 activity.

878 3. Require member schools to monitor heat stress and modify
879 athletic activities, including suspending or moving activities,
880 based on the heat stress guidelines.

881 4. Establish hydration guidelines, including appropriate
882 introduction of electrolytes after extended activities or when a
883 student participates in multiple activities in a day.

884 5. Establish requirements for cooling zones, including, at
885 a minimum, the immediate availability of cold-water immersion
886 tubs or equivalent means to rapidly cool internal body
887 temperature when a student exhibits symptoms of exertional heat
888 stroke and the presence of an employee or volunteer trained to
889 implement cold-water immersion.

890 6. Require each school's emergency action plan, as required
891 by the association FHSAA, to include a procedure for onsite
892 cooling using cold-water immersion or equivalent means before a
893 student is transported to a hospital for exertional heat stroke.

894

895 The requirements of this paragraph apply year-round.

896 Section 8. Section 1006.18, Florida Statutes, is amended to
897 read:

898 1006.18 Cheerleader safety standards.—Each approved
899 athletic association under s. 1006.20 the Florida High School

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900 ~~Athletic Association or successor organization~~ shall adopt
901 statewide uniform safety standards for student cheerleaders and
902 spirit groups that participate in any school activity or
903 extracurricular student activity, if applicable. Such approved
904 athletic association the Florida High School Athletic
905 ~~Association or successor organization~~ shall adopt the "Official
906 High School Spirit Rules," published by the National Federation
907 of State High School Associations, as the statewide uniform
908 safety standards.

909 Section 9. Paragraphs (a) and (b) of subsection (1) and
910 subsection (2) of section 1006.195, Florida Statutes, are
911 amended to read:

912 1006.195 District school board, charter school authority
913 and responsibility to establish student eligibility regarding
914 participation in interscholastic and intrascholastic
915 extracurricular activities.—Notwithstanding any provision to the
916 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student
917 eligibility to participate in interscholastic and
918 intrascholastic extracurricular activities:

919 (1) (a) A district school board must establish, through its
920 code of student conduct, student eligibility standards and
921 related student disciplinary actions regarding student
922 participation in interscholastic and intrascholastic
923 extracurricular activities. The code of student conduct must
924 provide that:

925 1. A student not currently suspended from interscholastic
926 or intrascholastic extracurricular activities, or suspended or
927 expelled from school, pursuant to a district school board's
928 suspension or expulsion powers provided in law, including ss.

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929 1006.07, 1006.08, and 1006.09, is eligible to participate in
930 interscholastic and intrascholastic extracurricular activities.

931 2. A student may not participate in a sport if the student
932 participated in that same sport at another school during that
933 school year, unless the student meets the criteria in s.
934 1006.15(3)(h).

935 3. A student's eligibility to participate in any
936 interscholastic or intrascholastic extracurricular activity may
937 not be affected by any alleged recruiting violation until final
938 disposition of the allegation pursuant to s. 1006.20(3)(b) ~~s.~~
939 ~~1006.20(2)(b)~~.

940 (b) Students who participate in interscholastic and
941 intrascholastic extracurricular activities for, but are not
942 enrolled in, a public school pursuant to s. 1006.15(3)(c)-(f)
943 and (8) ~~s. 1006.15(3)(e)-(e) and (8)~~, are subject to the
944 district school board's code of student conduct for the limited
945 purpose of establishing and maintaining the student's
946 eligibility to participate at the school.

947 (2) (a) Each approved athletic association ~~the Florida High~~
948 ~~School Athletic Association (FHSAA)~~ continues to retain
949 jurisdiction over the following provisions in s. 1006.20, which
950 may not be implemented in a manner contrary to this section:
951 membership in the association ~~FHSAA~~; recruiting prohibitions and
952 violations; student medical evaluations; investigations;
953 sanctions for coaches; school eligibility and forfeiture of
954 contests; student concussions or head injuries; ~~the sports~~
955 ~~medical advisory committee~~; and the general operational
956 provisions of the association ~~FHSAA~~.

957 (b) Each approved athletic association under s. 1006.20 ~~the~~

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958 ~~FHSAA~~ must adopt, and prominently publish, the text of this
959 section on its website and in its bylaws, rules, procedures,
960 training and education materials, and all other governing
961 authority documents ~~by August 1, 2016~~.

962 Section 10. Paragraph (g) of subsection (2) of section
963 1012.468, Florida Statutes, is amended to read:

964 1012.468 Exceptions to certain fingerprinting and criminal
965 history checks.—

966 (2) A district school board shall exempt from the screening
967 requirements set forth in ss. 1012.465 and 1012.467 the
968 following noninstructional contractors:

969 (g) An investigator for any approved athletic association
970 ~~the Florida High School Athletic Association (FHSAA)~~ who meets
971 the requirements under s. 1006.20(3)(e) ~~s. 1006.20(2)(e)~~.

972 Section 11. Paragraph (o) of subsection (1) of section
973 1012.795, Florida Statutes, is amended to read:

974 1012.795 Education Practices Commission; authority to
975 discipline.—

976 (1) The Education Practices Commission may suspend the
977 educator certificate of any instructional personnel or school
978 administrator, as defined in s. 1012.01(2) or (3), for up to 5
979 years, thereby denying that person the right to teach or
980 otherwise be employed by a district school board or public
981 school in any capacity requiring direct contact with students
982 for that period of time, after which the person may return to
983 teaching as provided in subsection (4); may revoke the educator
984 certificate of any person, thereby denying that person the right
985 to teach or otherwise be employed by a district school board or
986 public school in any capacity requiring direct contact with

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987 students for up to 10 years, with reinstatement subject to
 988 subsection (4); may permanently revoke the educator certificate
 989 of any person thereby denying that person the right to teach or
 990 otherwise be employed by a district school board or public
 991 school in any capacity requiring direct contact with students;
 992 may suspend a person's educator certificate, upon an order of
 993 the court or notice by the Department of Revenue relating to the
 994 payment of child support; may direct the department to place a
 995 certificateholder employed by a public school, charter school,
 996 charter school governing board, or private school that
 997 participates in a state scholarship program under chapter 1002
 998 on the disqualification list maintained by the department
 999 pursuant to s. 1001.10(4)(b) for misconduct that would render
 1000 the person ineligible pursuant to s. 1012.315 or sexual
 1001 misconduct with a student; or may impose any other penalty
 1002 provided by law, if the person:

1003 (c) Has committed a third recruiting offense as determined
 1004 by an approved athletic association ~~the Florida High School~~
 1005 ~~Athletic Association (FHSAA)~~ pursuant to s. 1006.20(3)(b) ~~s.~~
 1006 ~~1006.20(2)(b)~~.

1007 Section 12. Subsections (3) and (7) of section 1012.796,
 1008 Florida Statutes, are amended to read:

1009 1012.796 Complaints against teachers and administrators;
 1010 procedure; penalties.—

1011 (3) The department staff shall advise the commissioner
 1012 concerning the findings of the investigation and of all
 1013 referrals by an approved athletic association ~~the Florida High~~
 1014 ~~School Athletic Association (FHSAA)~~ pursuant to ss.
 1015 1006.20(3)(b) ~~ss. 1006.20(2)(b)~~ and 1012.795. The department

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1016 general counsel or members of that staff shall review the
 1017 investigation or the referral and advise the commissioner
 1018 concerning probable cause or lack thereof. The determination of
 1019 probable cause shall be made by the commissioner. The
 1020 commissioner shall provide an opportunity for a conference, if
 1021 requested, ~~before prior to~~ determining probable cause. The
 1022 commissioner may enter into deferred prosecution agreements in
 1023 lieu of finding probable cause if, in his or her judgment, such
 1024 agreements are in the best interests of the department, the
 1025 certificateholder, and the public. Such deferred prosecution
 1026 agreements shall become effective when filed with the clerk of
 1027 the Education Practices Commission. However, a deferred
 1028 prosecution agreement may not be entered into if there is
 1029 probable cause to believe that a felony or an act of moral
 1030 turpitude, as defined by rule of the State Board of Education,
 1031 has occurred, or for referrals by any approved athletic
 1032 association ~~the FHSAA~~. Upon finding no probable cause, the
 1033 commissioner shall dismiss the complaint and may issue a letter
 1034 of guidance to the certificateholder.

1035 (7) A panel of the commission shall enter a final order
 1036 either dismissing the complaint or imposing one or more of the
 1037 following penalties:

1038 (a) Denial of an application for a certificate or for an
 1039 administrative or supervisory endorsement on a teaching
 1040 certificate. The denial may provide that the applicant may not
 1041 reapply for certification, and that the department may refuse to
 1042 consider that applicant's application, for a specified period of
 1043 time or permanently.

1044 (b) Revocation or suspension of a certificate.

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- 1045 (c) Imposition of an administrative fine not to exceed
 1046 \$2,000 for each count or separate offense.
- 1047 (d) Placement of the teacher, administrator, or supervisor
 1048 on probation for a period of time and subject to such conditions
 1049 as the commission may specify, including requiring the certified
 1050 teacher, administrator, or supervisor to complete additional
 1051 appropriate college courses or work with another certified
 1052 educator, with the administrative costs of monitoring the
 1053 probation assessed to the educator placed on probation. An
 1054 educator who has been placed on probation shall, at a minimum:
- 1055 1. Immediately notify the investigative office in the
 1056 Department of Education upon employment or separation from
 1057 employment in any public or private position requiring a Florida
 1058 educator's certificate.
 - 1059 2. Have his or her immediate supervisor submit annual
 1060 performance reports to the investigative office in the
 1061 Department of Education.
 - 1062 3. Pay to the commission within the first 6 months of each
 1063 probation year the administrative costs of monitoring probation
 1064 assessed to the educator.
 - 1065 4. Violate no law and fully comply with all district school
 1066 board policies, school rules, and State Board of Education
 1067 rules.
 - 1068 5. Satisfactorily perform his or her assigned duties in a
 1069 competent, professional manner.
 - 1070 6. Bear all costs of complying with the terms of a final
 1071 order entered by the commission.
- 1072 (e) Restriction of the authorized scope of practice of the
 1073 teacher, administrator, or supervisor.

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- 1074 (f) Reprimand of the teacher, administrator, or supervisor
 1075 in writing, with a copy to be placed in the certification file
 1076 of such person.
- 1077 (g) Imposition of an administrative sanction, upon a person
 1078 whose teaching certificate has expired, for an act or acts
 1079 committed while that person possessed a teaching certificate or
 1080 an expired certificate subject to late renewal, which sanction
 1081 bars that person from applying for a new certificate for a
 1082 period of 10 years or less, or permanently.
- 1083 (h) Refer the teacher, administrator, or supervisor to the
 1084 recovery network program provided in s. 1012.798 under such
 1085 terms and conditions as the commission may specify.
- 1086 (i) Direct the department to place instructional personnel
 1087 or school administrators on the disqualification list maintained
 1088 by the department pursuant to s. 1001.10(4)(b) for conduct that
 1089 would render the person ineligible pursuant to s. 1012.315 or
 1090 sexual misconduct with a student.
- 1091 The penalties imposed under this subsection are in addition to,
 1092 and not in lieu of, the penalties required for a third
 1093 recruiting offense pursuant to s. 1006.20(3)(b) ~~or~~
 1094 ~~1006.20(2)(b)~~.
- 1095
 1096 Section 13. This act shall take effect July 1, 2023.

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

March 6, 2023

Meeting Date

SB 308

Bill Number or Topic

Pre-K-12 Education

Committee

Amendment Barcode (if applicable)

Name Craig Damon

Phone 352-216-1214

Address 2935 NE 127th PL

Email cdamon@fhssa.org

Street

Anthony

City

FL

State

32617

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

3/6/23

Meeting Date

Education Pre-K - 12

Committee

The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 308

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Richard Finlayson**

Phone **(850) 997-3597**

Address **7803 Aucilla Highway**

Email **rfinlayson@aucilla.org**

Street

Monticello

Florida

32344

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 308

3-16-23

Meeting Date

Deliver both copies of this form to Senate professional staff conducting the meeting

Bill Number or Topic

PreK-12 Education

Committee

Amendment Barcode (if applicable)

Name Chalms THOMAS

Phone 850-545-5275

Address 2621 McEwin Ct

Email THOMAS.FARM@yaho

1 Tallahassee FL 32301

Speaking: [] For [X] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

- [X] I am appearing without compensation or sponsorship. [] I am a registered lobbyist, representing: [] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

308

3/6/23

Meeting Date

Bill Number or Topic

Edu h-12

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Mark Marsala

Phone 239-777-6600

Address 113 E. College Ave

Email mark.marsala@southfloridastateathletes.com

Tallahassee FL

32301

City

State

Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[X] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

South Florida State Athletes - Colucci

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/6/23

Meeting Date

308

Bill Number or Topic

Edu Pak-12

Committee

Amendment Barcode (if applicable)

Name Bob Scheider

Phone 850-988-5894

Address 113 E. College Ave. Street

Email edward@teamrsa.com

Tallahassee FL 32301 City State Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[X] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Lighthouse Private Christian Academy

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

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 Pre-K -12

BILL: CS/SB 636

INTRODUCER: Education Pre-K - 12 Committee and Senator Simon

SUBJECT: Individual Education Plans

DATE: March 8, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Bouck	ED	Fav/CS
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 636 requires school districts to provide information and instruction to a student with a disability and his or her parent on self-determination and the legal rights and responsibilities relating to educational decisions that transfer to the student upon attaining the age of 18.

The information provided must include mechanisms for maintaining parental involvement in educational decision-making, including the permission for parents to access records under the Family Educational Rights and Privacy Act, powers of attorney, guardian advocacy, and guardianship.

The bill requires that this information be shared with students and their parents at least one year prior to the student reaching the age of majority.

The bill has no fiscal impact.

The bill takes effect on July 1, 2023.

II. Present Situation:

Students with Disabilities

All students who are between the ages of 3 to 21 and have a disability have the right to a free, appropriate public education (FAPE)¹ and related services designed to meet their unique needs.

It is the responsibility of each state and school district to develop procedures consistent with the requirement that all students with disabilities have access to a FAPE in the least restrictive environment.² During the 2021-2022 academic year, Florida public schools reported 578,317 students with disabilities.³

Individuals with Disabilities Education Act (IDEA)

The federal Individuals with Disabilities Education Act (IDEA) makes available a FAPE to eligible children with disabilities and ensures special education and related services are provided to those children.

The stated purpose of the IDEA is to:⁴

- Ensure that all children with disabilities have a FAPE that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living;
- Ensure that the rights of children with disabilities and parents of such children are protected;
- Assist states, localities, educational service agencies, and federal agencies to provide for the education of all children with disabilities;
- Assist states in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families;
- Ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting system improvement activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services; and
- Assess, and ensure the effectiveness of, efforts to educate children with disabilities.

Florida Law Governing Exceptional Student Education

As the state educational agency, the Florida Department of Education (FDOE) exercises general supervision over all educational programs for children with disabilities in the state, including all programs administered by other state or local agencies.⁵ FDOE's Bureau of Exceptional

¹ Section 1003.5716, F.S.

² Florida Department of Education (FDOE), *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 9.

³ FDOE, Education Information and Accountability Services Data Report, *Membership in Programs for Exceptional Students, Final Survey 2, 2021-22*, <https://www.fldoe.org/core/fileparse.php/7584/urlt/MPES2122.xlsx> (last visited Feb. 21, 2023).

⁴ United States Department of Education, *IDEA, About IDEA*, <https://sites.ed.gov/idea/about-idea/#IDEA-Purpose> (last visited Feb. 21, 2023).

⁵ 20 U.S.C. s. 1412(a)(11); 34 C.F.R. s. 300.149.

Education and Student Services (BEESS) is responsible for ensuring that the requirements of federal law and the educational requirements of the state are implemented.⁶ The bureau is required to examine and evaluate exceptional student education (ESE) procedures, records, and programs; provide information and assistance to school districts; and assist the districts in operating effectively and efficiently.⁷

The Individual Education Plan

The Individual Education Plan (IEP) is the primary vehicle for communicating the school district's commitment to addressing the unique educational needs of a Florida student with a disability.⁸ IDEA requires that:⁹

- Students with disabilities who meet the criteria of one or more categories of disability specified in law and who need special education services have an IEP;
- The IEP must be reviewed at least annually and revised as necessary;
- Due process rights are guaranteed;
- Student records are confidential;
- Parents are important partners in the IEP process and must be invited to all IEP meetings; and
- Student evaluation procedures are nondiscriminatory.

To ensure quality planning for a successful transition of a student with a disability to postsecondary education and career opportunities, an IEP team begins the process of identifying the need for transition services when the student is in grade 7, or when the student attains the age of 12, whichever occurs first.¹⁰ The student's IEP must be operational and in place for implementation before the student enters high school or attains the age of 14, whichever occurs first.¹¹ The process of identifying the need for transition services and developing an IEP must include:¹²

- Consideration of the student's need for instruction in the area of self-determination and self-advocacy to assist in the student's active and effective participation in IEP meetings;
- Preparation for the student to graduate from high school with a standard high school diploma¹³ with a Scholar designation¹⁴ unless the student's parent chooses a Merit designation;¹⁵

⁶ 34 C.F.R. s. 300.149(a)(1) and (2).

⁷ Florida Department of Education, Bureau of Exceptional Student Education and Student Services, *Exceptional Student Education Compliance Protocols 2020-2021*, at 1, available at <http://www.fldoe.org/core/fileparse.php/7673/urlt/MonitoringIntroduction.pdf>.

⁸ FDOE, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 9.

⁹ *Id.*

¹⁰ Section 1003.5716(1), F.S.

¹¹ *Id.*

¹² Section 1003.5716(1)(a)-(c), F.S.

¹³ Section 1003.4282, F.S.

¹⁴ A "Scholar" designation requires a student to meet the requirements of s. 1003.4282, F.S., for a standard high school diploma and satisfy additional specific course requirements in mathematics, science, social studies, foreign language, and electives. See Section 1003.4285(1)(a), F.S.

¹⁵ A "Merit" designation requires a student to meet the requirements of s. 1003.4282, F.S., for a standard high school diploma and attain one or more industry certifications from the list established under s. 1003.492, F.S. Section 1003.4285(1)(b), F.S.

- Information about the school district’s high-school level transition services, career and technical education, and collegiate programs available to students with a disability and how to access such programs;
- Information about programs and services available through Florida’s Center for Students with Unique Abilities, Florida’s Centers for Independent Living, the Division of Vocational Rehabilitation, the Agency for Persons with Disabilities, and the Division of Blind Services; and
- Referral forms, links, and technical support contacts for accessing services and programs.

Students with disabilities must be reevaluated at least once every three years to determine their continuing eligibility for special education and related services.¹⁶ However, a student’s parent or teacher may request an IEP team meeting or a reevaluation at any time.¹⁷ The IEP in effect when the student enters high school or attains the age of 14, or when determined appropriate by the parent and IEP team, must be updated annually to include a statement:¹⁸

- Addressing the intent to pursue a standard high school diploma and a Scholar or Merit designation as determined by the parent;
- Of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet graduation requirements. The IEP must also specify the outcomes and additional benefits expected by the parent and the IEP team at the time of the student’s graduation; and
- Of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including preemployment transition services and courses of study needed to assist the student in reaching such goals.

In addition, SBE rule requires school districts to inform students and parents at least one year before the student reaches the age of 18 about the transfer of rights that occurs upon the age of majority.¹⁹

IEP teams are required to invite agencies,²⁰ with parental consent if the student has not reached the age of majority²¹ consent, that may provide services after the student exits high school and

¹⁶ Rule 6A-6.0331(7), F.A.C.

¹⁷ See Rule 6A-6.03028, F.A.C.

¹⁸ Section 1003.5716(2), F.S.

¹⁹ Rule 6A-6.03028(3), F.A.C., Florida Department of Education, *2023 Agency Analysis of HB 19* (Feb. 24, 2023) at 3.

²⁰ Agency involvement in transition planning is based on the nature of the student’s needs and the student’s disability, whether the student is potentially eligible for services and the student’s postsecondary education and career goals, such as further education, training, employment and independent living. Agencies frequently involved in the planning and delivery of transition services in Florida include: Agency for Persons with Disabilities; Center for Independent Living; Department of Children and Families; Division of Blind Services; Division of Vocational Rehabilitation (VR); Social Security Administration; Local career and technical schools, Florida colleges and universities; and other adult service providers. FDOE, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 47.

²¹ “Age of majority” means any natural person 18 years of age or older, or an emancipated minor. Section 487.021(6), F.S.

include consideration of pre-employment transition services²² through the Division of Vocational Rehabilitation (VR)²³ in the development of post-secondary and career goals.²⁴

Impact of Students Attaining the Age of Majority

Individuals with Disabilities Education Act

The IDEA specifically authorizes states to transfer rights reserved for parents of a student with disabilities to the student once the student attains the age of majority.²⁵ The IDEA requires that such transfer of rights must be provided for in state law that applies to all children (except for those determined incompetent under state law) and provide for the following:²⁶

- The transfer of all rights accorded to parents under the IDEA; and
- Notification to the student and parents of the transfer of rights.

To protect students who have not been determined incompetent, but may be unable to provide informed consent with respect to his or her educational program, the IDEA requires that states establish procedures for appointing an individual to represent the interests of the student for the duration of his or her eligibility for special education services.²⁷

Family Educational Rights and Privacy Act

With limited exceptions, school districts may not disclose personally identifiable information contained within student records to a third party without parental consent.²⁸ The Family Educational Rights and Privacy Act (FERPA) applies to all schools that receive funds under an applicable program of the USDOE.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Such rights include parents or eligible students having the right to:²⁹

- Inspect and review the student's education records maintained by the school.
- Request that a school correct records which they believe to be inaccurate or misleading.

²² VR provides pre-employment services, which may include career exploration counseling, workplace readiness training, community-based work experiences, self-advocacy instruction, peer mentoring and postsecondary educational counseling for students with a disability. FDOE, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf> at 48.

²³ The Division of VR is housed in the FDOE. VR and VR services mean any service, provided directly or through public or private entities, to enable an individual or group of individuals to achieve an employment outcome. Section 413.20(8) and (28), F.S.

²⁴ FDOE, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 17.

²⁵ 34 C.F.R. s. 300.520(a)

²⁶ *Id.*

²⁷ 34 C.F.R. s. 300.520(b)

²⁸ Section 1002.22, F.S.; 20 U.S.C. s. 1232(g).

²⁹ 20 U.S.C. s. 1232(g). U.S. Department of Education, *FERPA*, <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html#:~:text=The%20Family%20Educational%20Rights%20and%20Privacy%20Act%20%28FERPA%29,applicable%20program%20of%20the%20U.S.%20Department%20of%20Education.> (last visited Feb. 21, 2023).

Sections 1002.22 and 1002.225, F.S., incorporate the FERPA into Florida law as it applies to public K-12 students and public postsecondary educational institutions, respectively. The FERPA only applies to records created for an educational purpose and maintained by an educational agency.

Powers of Attorney

A power of attorney is a legal document in which the client (a principal) authorizes a person or entity (an agent) to act on his or her behalf. The authority granted depends on the specific language of the power of attorney. A principal may grant very broad authority (a general power of attorney) or may limit the authority to certain specific acts (a limited power of attorney).³⁰ An agent must be age 18 or older, or a financial institution that meets specified criteria.³¹

A power of attorney must be signed by the principal and two witnesses in a notary's presence. If the principal is physically unable to sign the power of attorney, the notary public may sign the principal's name on the power of attorney.³²

Guardian Advocate

Guardian advocacy is a process for family members, caregivers, or friends of individuals with a developmental disability to obtain the legal authority to act on their behalf if the person lacks the decision-making ability to do some, but not all, of the decision-making tasks necessary to care for his or her person or property.³³ This is accomplished without having to declare the person with a developmental disability incapacitated.

A petition to appoint a guardian advocate for a person with a developmental disability may be executed by an adult person who is a resident of this state.³⁴ The petition must be verified by the petitioner and must include specified information about the person, the petitioner, and the proposed guardian advocate.³⁵ Notice of the filing of the petition must be given to the person with a developmental disability, both verbally and in writing, in the language of the person and in English and must include information about a hearing and person's right to counsel.³⁶ If the court finds the person with a developmental disability requires the appointment of a guardian advocate, the order appointing the guardian advocate must contain findings of facts and conclusions of law supporting that determination.³⁷

Upon compliance with all of the statutory requirements, letters of guardian advocacy must be issued to the guardian advocate.³⁸

³⁰ Section 709.2102(1), (9), and (11), F.S.

³¹ Section 709.2105, F.S.

³² Section 709.2105, F.S.

³³ Section 393.12(2)(a), F.S.

³⁴ Section 393.12(3), F.S.

³⁵ Section 393.12(3)(a)-(f), F.S.

³⁶ Section 393.12(4)(a)-(c), F.S.

³⁷ Section 393.12(8), F.S.

³⁸ See Section 393.12, F.S.

Guardianship

Guardian means a person who has been appointed by the court to act on behalf of a ward's person or property, or both.³⁹ Adjudicating a person totally incapacitated and in need of a guardian deprives a person of his or her civil and legal rights.⁴⁰ The Legislature has recognized that the least restrictive form of guardianship should be used to ensure the most appropriate level of care and the protection of that person's rights.⁴¹

In Florida, the process to determine an individual's incapacity and the subsequent appointment of a guardian begins with a verified petition detailing the factual information supporting the reasons the petitioner believes the individual to be incapacitated, including the rights the alleged incapacitated person is incapable of exercising.⁴² Once a person has been adjudicated incapacitated, the court appoints a guardian, and the letters of guardianship are issued.⁴³ The order appointing a guardian must be consistent with the ward's welfare and safety, must be the least restrictive appropriate alternative, and must reserve to the ward the right to make decisions in all matters commensurate with his or her ability to do so.⁴⁴

III. Effect of Proposed Changes:

CS/SB 636 modifies s. 1003.5716, F.S., to require school districts to provide, within a student's individual education plan, information and instruction to a student with a disability and his or her parent on self-determination and the legal rights and responsibilities relating to educational decisions that transfer to the student upon attaining the age of 18.

The information provided must include mechanisms for maintaining parental involvement in educational decision-making, including permission to release information to the parent under the Family Educational Rights and Privacy Act, powers of attorney, guardian advocacy and guardianship.

The bill requires that this information be shared with students and their parents at least one year prior to the student reaching the age of majority.

The bill requires the State Board of Education to adopt rules to administer s. 1003.5716, F.S.

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

³⁹ Section 744.102(9), F.S.

⁴⁰ Section 744.1012(1), F.S.

⁴¹ Section 744.1012(2), F.S.

⁴² Section 744.3201, F.S.

⁴³ Sections 744.3371, 744.345, F.S.

⁴⁴ Section 744.2005(3), F.S.

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:

The Florida Department of Education requests consideration of removing the requirement to provide “instruction” on the “legal rights and responsibilities.” The options available to parents are legal options that typically require the advice of an attorney or the involvement of a court, and it is unclear whether school districts can provide such instruction to parents on these options without unintentionally providing legal advice.⁴⁵

VIII. Statutes Affected:

This bill substantially amends section 1003.5716 of the Florida Statutes.

⁴⁵ Florida Department of Education, *2023 Agency Analysis of HB 19* (Feb. 24, 2023) at 5.

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 PreK-12 on March 6, 2023:

The committee substitute requires the State Board of Education to adopt rules to administer s. 1003.5716, F.S.

- B. **Amendments:**

None.

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



628398

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/06/2023	.	
	.	
	.	
	.	

The Committee on Education Pre-K -12 (Simon) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 64 and 65

insert:

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

===== **D I R E C T O R Y C L A U S E A M E N D M E N T**=====

And the directory clause is amended as follows:

Delete lines 16 - 17



628398

11 and insert:
12 section 1003.5716, Florida Statutes, are amended, paragraph (d)
13 is added to subsection (1), and subsection (5) is added to that
14 section, to read:

15

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

17 And the title is amended as follows:

18 Delete line 10

19 and insert:

20 his or her educational decisions; requiring the State
21 Board of Education to adopt rules; providing an

By Senator Simon

3-00786-23

2023636__

1 A bill to be entitled
 2 An act relating to individual education plans;
 3 amending s. 1003.5716, F.S.; requiring individual
 4 education plans for certain students to contain
 5 information and instruction on certain legal rights
 6 and responsibilities that transfer to students at the
 7 age of 18; requiring such information to include ways
 8 in which a student may provide informed consent to
 9 allow his or her parent to continue to participate in
 10 his or her educational decisions; providing an
 11 effective date.

13 Be It Enacted by the Legislature of the State of Florida:
 14

15 Section 1. Paragraphs (b) and (c) of subsection (1) of
 16 section 1003.5716, Florida Statutes, are amended, and paragraph
 17 (d) is added to subsection (1) of that section, to read:

18 1003.5716 Transition to postsecondary education and career
 19 opportunities.—All students with disabilities who are 3 years of
 20 age to 21 years of age have the right to a free, appropriate
 21 public education. As used in this section, the term "IEP" means
 22 individual education plan.

23 (1) To ensure quality planning for a successful transition
 24 of a student with a disability to postsecondary education and
 25 career opportunities, during the student's seventh grade year or
 26 when the student attains the age of 12, whichever occurs first,
 27 an IEP team shall begin the process of, and develop an IEP for,
 28 identifying the need for transition services before the student
 29 with a disability enters high school or attains the age of 14

Page 1 of 3

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

3-00786-23

2023636__

30 years, whichever occurs first, in order for his or her
 31 postsecondary goals and career goals to be identified. The plan
 32 must be operational and in place to begin implementation on the
 33 first day of the student's first year in high school. This
 34 process must include, but is not limited to:

35 (b) Preparation for the student to graduate from high
 36 school with a standard high school diploma pursuant to s.
 37 1003.4282 with a Scholar designation unless the parent chooses a
 38 Merit designation; ~~and~~

39 (c) Provision of the information to the student and his or
 40 her parent of the school district's high school-level transition
 41 services, career and technical education, and collegiate
 42 programs available to students with disabilities and how to
 43 access such programs. Information shall also be provided on
 44 school-based transition programs and programs and services
 45 available through Florida's Center for Students with Unique
 46 Abilities, the Florida Centers for Independent Living, the
 47 Division of Vocational Rehabilitation, the Agency for Persons
 48 with Disabilities, and the Division of Blind Services. Referral
 49 forms, links, and technical support contacts for these services
 50 must be provided to students and parents at IEP meetings; and

51 (d) At least 1 year before the student reaches the age of
 52 majority, provision of information and instruction to the
 53 student and his or her parent on self-determination and the
 54 legal rights and responsibilities regarding the educational
 55 decisions that transfer to the student upon attaining the age of
 56 18. The information must include the ways in which the student
 57 may provide informed consent to allow his or her parent to
 58 continue to participate in educational decisions, including:

Page 2 of 3

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

3-00786-23

2023636__

59 1. Informed consent to grant permission to access
60 confidential records protected under the Family Educational
61 Rights and Privacy Act (FERPA) as provided in s. 1002.22.
62 2. Powers of attorney as provided in chapter 709.
63 3. Guardian advocacy as provided in s. 393.12.
64 4. Guardianship as provided in chapter 744.
65 Section 2. This act shall take effect July 1, 2023.

3/6/23

Meeting Date

SENED

Committee

The Florida Senate
APPEARANCE RECORD

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JB 636

Bill Number or Topic

Amendment Barcode (if applicable)

Name FEA-Tina DUNBAR

Phone 850 201 2816

Address 213 So Adams St
Street

Email Tina.Dunbar@
FLORIDA.FEA.ORG

Tallahassee FL 32301
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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3/16/23

Meeting Date

The Florida Senate APPEARANCE RECORD

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SB 636

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Alice Kerce (pierce but with a "K")

Phone

904 252 0405

Address

215 S Monroe St Suite 710

Email

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Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

The Foundation for
Florida's Future

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

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3/6/23

Meeting Date

Education Pro-K

Committee

636

Bill Number or Topic

Amendment Barcode (if applicable)

Name

ALAN ASRAMOWITZ

Phone

850 241-3222

Address

2829 Hickman

Email

Alan@ArcFlorida.org

Street

Tallah

FL

32308

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:

The Arc of Florida



I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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The Florida Senate

APPEARANCE RECORD

3-6-2023

Meeting Date

SB 636

Bill Number or Topic

Education PreK-12

Committee

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Amendment Barcode (if applicable)

Name Margaret S. Hooper

Phone 850-488-4180

Address 124 Merritt Dr. #203

Email MargaretD@FDPC.org

Street

Tallahassee, FL 32311

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, (in-house) representing: Florida DD Council

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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S-001 (08/10/2021)

March 6, 2023

The Florida Senate
APPEARANCE RECORD

636

Meeting Date

Education Pre-K - 12

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **James McFaddin**

Phone **850-671-4401**

Address **123 South Adams St**
Street

Email **mcfaddin@thesoutherngroup.com**

Tallahassee
City

FL
State

32301
Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Autism Speaks

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/6/2023

Meeting Date

SB 636

Bill Number or Topic

Education PreK-12

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Nancy Lawther, Ph.D

Phone 407 853-7604

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Email legislator@floridapta.org

Street

Orlando, FL 32809

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/6/23

Meeting Date

636

Bill Number or Topic

Education

Committee

Amendment Barcode (if applicable)

Name Olivia Babis

Phone 850-617-9718

Address 2743 Lane Dr. Ste 200

Street

Email oliviab@disabilityrightsflorida.org

Tallahassee FL 32308

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Disability Rights FL

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

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 Pre-K -12

BILL: SB 196

INTRODUCER: Senators Jones and Hutson

SUBJECT: Guidance Services on Academic and Career Planning

DATE: March 3, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	Favorable
2.			CM	
3.			RC	

I. Summary:

SB 196 adds requirements to notify parents and students of career and academic planning options and work-based learning opportunities and pathways. The bill:

- Requires a middle grade student’s personalized academic and career plan to be developed in consultation with a certified school counselor, and include information on the career and technical education graduation pathway option and work-based learning opportunities.
- Expands the required annual school district parental notification on high school acceleration options to include information on career and academic planning options.

The bill takes effect July 1, 2023.

II. Present Situation:

Middle Grades Career Planning

Students are required to complete a career and education planning course during grades 6, 7, or 8.¹ The required course may be implemented as a stand-alone course or integrated into another course or courses and must:²

- Be internet-based.
- Emphasize the importance of entrepreneurship and employability skills.
- Include information from the Department of Economic Opportunity’s economic security report and other state career planning resources.
- Result in a personalized academic and career plan for the student that may be revised as the student progresses. The plan is required to inform students of:
 - High school graduation requirements.

¹ Section 1003.4156(1)(e), F.S.

² *Id.*

- Requirements for each scholarship in the Florida Bright Futures Scholarship Program.
- State college and university admission requirements.
- Available opportunities to earn college credit in high school.³

The Department of Education (DOE) outlines the eight course standards of the career and education planning course which requires a student to:⁴

- Describe the influences that societal, economic, and technological changes have on employment trends and future training.
- Develop skills to locate, evaluate, and interpret career information.
- Identify and demonstrate processes for making short- and long-term goals.
- Demonstrate employability skills such as working in a group, problem-solving and organizational skills, and the importance of entrepreneurship.
- Understand the relationship between educational achievement and career choices/postsecondary options.
- Identify a career cluster and related pathways through an interest assessment that match career and education goals.
- Develop a career and education plan that includes short and long-term goals, high school program of study, and postsecondary and career goals.
- Demonstrate knowledge of technology and its application in career fields/clusters.

For the 2022-2023 school year, the DOE identified 80 approved middle grades courses for career and education planning.⁵ In addition, the DOE publishes a Career Cruiser document, providing resources such as classroom activities, guided worksheets, and additional resources to assist teachers in career and education course planning.⁶

Notification of Student Acceleration Options

At the beginning of each school year, a district school board is required to notify parents of students entering high school or already enrolled in high school of the opportunity and benefits of courses in:⁷

- Advanced Placement (AP).
- International Baccalaureate (IB).
- Advanced International Certificate of Education (AICE).
- Dual enrollment.
- The Florida Virtual School.

³ Section 1003.4156(1)(e), F.S. To include Advanced Placement courses, the International Baccalaureate Program, the Advanced International Certificate of Education Program, dual enrollment, including career dual enrollment and career education courses, including career-themed courses, preapprenticeship and apprenticeship programs, and course sequences that lead to industry certifications.

⁴ Florida Department of Education, *Career & Education Planning Course Standards*, available at <http://www.fldoe.org/core/fileparse.php/3/urlt/ceplanningcoursecompetencies.pdf>.

⁵ Florida Department of Education, *Approved Middle School Courses for Career & Education Planning 2021-2022 School Year* (Aug. 9, 2022), available at <https://www.fldoe.org/core/fileparse.php/7746/urlt/MGCEPC2223.pdf>.

⁶ Florida Department of Education, *Career Exploration Resources: Career Cruiser*, available at <https://www.fldoe.org/core/fileparse.php/7534/urlt/cruiser.pdf>.

⁷ Section 1003.02(1)(i), F.S.

Additionally, each high school is required to advise each student of courses through which the student could earn college credit, including AP, IB, AICE, dual enrollment, early admission, and career academy courses and courses that lead to industry certification, as well as the availability of course offerings through virtual instruction.⁸ Students and their parents must also be advised of early graduation options.⁹

Certified School Counselors

School counselors are considered instructional personnel within Florida's public school system.¹⁰ To be employed as a school counselor, a person must be certified as required by law and State Board of Education rule.¹¹

In the 2021-2022 school year, there were 6,465 certified school counselors working in Florida school districts, serving 2,833,179 students. Each of the 67 school districts reported at least one school counselor on staff.¹² On average, there was one school counselor for every 438 students.

III. Effect of Proposed Changes:

SB 196 adds requirements to notify parents and students of career and academic planning options and work-based learning opportunities and pathways.

Middle Grades Career Planning

The bill requires a middle grade student's personalized academic and career plan to include information on the career and technical education graduation pathway option¹³ and work-based learning opportunities, including internships and preapprenticeship and apprenticeship programs. Additionally, the bill requires the student's plan to be developed in consultation with a certified school counselor.

Notification of Student Acceleration Options

The bill expands the required annual school district parental notification on high school acceleration options to include notification to students, and requires such notification to be in a language that is understandable to students and parents. The bill adds to the information required to be included in the notification to include:

- Career and professional academies.
- Career-themed courses.
- The career and technical education pathway option to earn a standard high school diploma.

⁸ Section 1003.4295(1), F.S.

⁹ *Id.*

¹⁰ Section 1012.01(2)(b), F.S.

¹¹ Section 1012.55(1)(b), F.S.

¹² The Florida Department of Education, *Staff in Florida's Public Schools, District Reports: Full-Time Staff 2021-22, Survey 2*, available at <https://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/archive.stml>; and The Florida Department of Education, *Membership in Florida Public Schools, Survey 2, 2021-2022*, available at <https://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/students.stml>.

¹³ Section 1003.4282(10), F.S.

- Work-based learning opportunities, including internships and apprenticeship and preapprenticeship programs.
- The contact information of a certified school counselor who can advise the student on the acceleration, academic, and career planning options.

The additional notifications required in the bill may increase student awareness of and participation in career and academic planning options and work-based learning opportunities and pathways.

The bill takes effect July 1, 2023.

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: 1003.02 and 1003.4156.

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.

By Senator Jones

34-00520-23

2023196__

A bill to be entitled

An act relating to guidance services on academic and career planning; amending s. 1003.02, F.S.; requiring district school boards to inform students and parents of certain acceleration, academic, and career planning options; requiring certain information to be included in such notification; amending s. 1003.4156, F.S.; requiring a personalized academic and career plan to be developed in consultation with a certified school counselor for certain students; requiring certain information to be included in such plan; providing an effective date.

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

Section 1. Paragraph (i) of subsection (1) of section 1003.02, Florida Statutes, is amended to read:

1003.02 District school board operation and control of public K-12 education within the school district.—As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school districts. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career education programs. Additionally, district school

Page 1 of 4

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

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boards must:

(1) Provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students in the following areas:

(i) ~~Parental Notification of acceleration, academic, and career planning options.~~—At the beginning of each school year, notify ~~parents of~~ students in or entering high school and the students' parents, in a language that is understandable to students and parents, of the opportunity and benefits of advanced placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, career and professional academies, career-themed courses, the career and technical education pathway to earn a standard high school diploma under s. 1003.4282(10), work-based learning opportunities, including internships and apprenticeship and preapprenticeship programs, and Florida Virtual School courses; ~~and~~ options for early graduation under s. 1003.4281; and the contact information of a certified school counselor who can advise students on these options.

Section 2. Paragraph (e) of subsection (1) of section 1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

(e) One course in career and education planning to be

Page 2 of 4

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59 completed in grades 6, 7, or 8, which may be taught by any
 60 member of the instructional staff. The course must be Internet-
 61 based, customizable to each student, and include research-based
 62 assessments to assist students in determining educational and
 63 career options and goals. In addition, the course must result in
 64 a completed personalized academic and career plan for the
 65 student that may be revised as the student progresses through
 66 middle school and high school; must emphasize the importance of
 67 entrepreneurship and employability skills; and must include
 68 information from the Department of Economic Opportunity's
 69 economic security report under s. 445.07 and other state career
 70 planning resources. The required personalized academic and
 71 career plan, developed in consultation with a certified school
 72 counselor, must inform students of high school graduation
 73 requirements, including a detailed explanation of the
 74 requirements for earning a high school diploma designation under
 75 s. 1003.4285 and the career and technical education pathway to
 76 earn a standard high school diploma under s. 1003.4282(10); the
 77 requirements for each scholarship in the Florida Bright Futures
 78 Scholarship Program; state university and Florida College System
 79 institution admission requirements; available opportunities to
 80 earn college credit in high school, including Advanced Placement
 81 courses; the International Baccalaureate Program; the Advanced
 82 International Certificate of Education Program; dual enrollment,
 83 including career dual enrollment; work-based learning
 84 opportunities, including internships and preapprenticeship and
 85 apprenticeship programs; and career education courses, including
 86 career-themed courses, ~~preapprenticeship and apprenticeship~~
 87 ~~programs~~, and course sequences that lead to industry

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34-00520-23

2023196__

88 certification pursuant to s. 1003.492 or s. 1008.44. The course
 89 may be implemented as a stand-alone course or integrated into
 90 another course or courses.

91 Section 3. This act shall take effect July 1, 2023.

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3/6/2023

Meeting Date

Senate Ed PreK-12

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 196

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Sarah Katherine Massey**

Phone **850.545.0543**

Address **136 s. Bronough St**

Email **smassey@flchamber.com**

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Chamber of Commerce

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

196

3/16/23
Meeting Date

Bill Number or Topic

Education Pre-K-12
Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Chris Dawson

Phone (407) 843-8880

Address 301 South Bronough Street
Street Suite 000

Email Chris.Dawson@gray-robinson.com

Tallahassee FL 32301
City State Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Roofing + Sheet Metal Contractors Association

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/6/2023 Meeting Date

SB 196 Bill Number or Topic

Ed Pre-12-12 Committee

Amendment Barcode (if applicable)

Name Carol Bower Phone (954) 465-6811

Address 6486 Via Regina Street Email cbower@abcflorida.com

Boca Raton FL 33433 City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Associated Builders and Contractors of FL

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/6/2023

Meeting Date

SB 196

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Education PreK-12

Committee

Amendment Barcode (if applicable)

Name Nancy Lawther, Ph.D

Phone 407 855-7604

Address 1747 Orlando Central Parkway

Email legislator@floridapta.org

Street

Orlando FL 32809

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[x] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

Senator Shevrin D. "Shev" Jones
218 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

To: Chair Corey Simon
Committee on Education Pre-K - 12

Subject: Committee Agenda Request

Date: February 16, 2023

I respectfully request that **SB 196: Guidance Services on Academic and Career Planning**, be placed on the:

- Committee agenda at your earliest possible convenience.
- Next committee agenda.

A handwritten signature in blue ink, appearing to read "Shev".

Senator Shevrin Jones
Florida Senate, District 34

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 Pre-K -12

BILL: SB 294

INTRODUCER: Senator Rodriguez and others

SUBJECT: Required Instruction in the History of Asian Americans and Pacific Islanders

DATE: March 3, 2023

REVISED: _____

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

I. Summary:

SB 294 requires public schools to provide instruction on the history of Asian Americans and Pacific Islanders, including the immigration, citizenship, civil rights, identity, and culture of Asian Americans and Pacific Islanders. Additionally, the bill requires instructional materials to include the contributions of Asian Americans and Pacific Islanders to American society.

The bill has no impact on state revenues or expenditures. The bill may have a fiscal impact on school districts. See Section V.

This bill is effective July 1, 2023.

II. Present Situation:

Asian Americans and Pacific Islanders

Almost eight percent of the United States population is comprised of Asians and Pacific Islanders, with Florida's population being made up of nearly four percent of Asians and Pacific Islanders.¹ Asian Americans are the fastest-growing major racial or ethnic group in the United States.² More than 22 million Asians live in the United States and almost all trace their roots to specific countries or populations from East and Southeast Asia and the Indian subcontinent.³ Every May, Asian American and Pacific Islander (AAPI) Heritage month is celebrated to commemorate the arrival of the first Japanese immigrants to the United States on May 7, 1843,

¹ United States Census Bureau, *Race and Ethnicity in the United States: 2010 Census and 2020 Census*, <https://www.census.gov/library/visualizations/interactive/race-and-ethnicity-in-the-united-state-2010-and-2020-census.html> (last visited February 21, 2023).

² Pew Research Center, *Key facts about Asian origin groups in the U.S.*, <https://www.pewresearch.org/fact-tank/2021/04/29/key-facts-about-asian-origin-groups-in-the-u-s/> (last visited February 21, 2023).

³ *Id.*

and the completion of the transcontinental railroad on May 10, 1869. The majority of the workers who laid the tracks were Chinese immigrants.⁴ Among some of the AAPI communities' contributions to America's rich heritage are:⁵

- Birthright Citizenship: After a year-long battle between Wong Kim Ark (born in San Francisco to Chinese immigrants) and the U.S. Justice Department, the U.S. Supreme Court ruled in 1898 that children born in America to foreigners were U.S. citizens.
- Technology: Taiwanese American Jerry Yang co-founded the web portal Yahoo! and Taiwanese American Steven Chen co-founded the video-sharing platform YouTube.
- Architecture: Chinese American I.M. Pei designed the Rock & Roll Hall of Fame and Museum, the National Gallery of Art in Washington, D.C., and the Pyramid at the Louvre in Paris. Japanese American Minoru Yamasaki designed the original World Trade Center.
- Fashion: Chinese American fashion designer Vera Wang is best known for her bridal wear, and Thailand born designer Phillip Lim and his partner, Wen Zhou, grew their fledgling start-up to a successful international brand.

States Requiring Instruction on Asian American and Pacific Islander History

In July 2021, Illinois became the first state to require Asian American history to be taught in public schools by requiring every public elementary and high school in Illinois to include a unit on the history of Asian Americans, including their history in Illinois and the Midwest.⁶

New Jersey, Connecticut, and Rhode Island all passed legislation in 2022 to mandate the instruction of AAPI contributions and history in K-12 schools.⁷

New Jersey passed legislation that requires school districts to provide K-12 instruction on the history and contributions of AAPIs as part of the implementation of New Jersey Student Learning Standards in Social Studies and establishes the Commission for Asian American Heritage within the state Department of Education.⁸

The legislation passed by Rhode Island requires every public elementary and secondary school to teach at least one unit of instruction on the history and culture of AAPIs.⁹ Under this new

⁴ Food Safety and Inspection Service U.S. Department of Agriculture, *Asian American and Pacific Islander Contributions to our Nation's History*, <https://www.fsis.usda.gov/employees/employee-news-stories/aapi-2021> (last visited February 21, 2023).

⁵ *Id.*

⁶ EdWeek, *Illinois Becomes First State to Require Teaching Asian American History in Public Schools*, <https://www.edweek.org/teaching-learning/illinois-becomes-first-state-to-require-teaching-asian-american-history-in-public-schools/2021/07> (last visited February 21, 2023).

⁷ EdWeek, *States Are Mandating Asian American Studies. What Should the Curriculum Look Like?*, <https://www.edweek.org/teaching-learning/states-are-mandating-asian-american-studies-what-should-the-curriculum-look-like/2022/10#:~:text=2022%20has%20been%20a%20banner.first%20state%20to%20require%20it> (last visited February 21, 2023).

⁸ State of New Jersey, *Governor Murphy Signs Legislation Ensuring AAPI-Inclusive Curriculum is Taught in New Jersey Schools*, <https://www.nj.gov/governor/news/news/562022/20220118c.shtml> (last visited February 21, 2023).

⁹ Rhode Island, *Governor McKee Signs Legislation Requiring Asian American History and Culture be Taught in Rhode Island Schools*, <https://governor.ri.gov/press-releases/governor-mckee-signs-legislation-requiring-asian-american-history-and-culture-be> (last visited February 21, 2023).

curriculum, students will learn more about the populations' fight for civil rights and their contributions to the northeast region and the United States.

Connecticut passed a state-funded mandate to teach AAPI history in public schools that included an allocation of more than \$140,000 toward salary and other costs dedicated to helping local and regional school boards develop curricula focusing on AAPI history and contributions.¹⁰

Florida Required Instruction in Schools

The mission of Florida's K-20 education system is to allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through rigorous and relevant learning opportunities.¹¹ Each district school board must provide appropriate instruction 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.¹²

Instructional staff of public schools,¹³ subject to the rules of the SBE and the district school board, must provide instruction in:¹⁴

- 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 United States.
- 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.
- The conservation of natural resources.
- Comprehensive age-appropriate and developmentally appropriate K-12 instruction on health education and life skills.
- 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.
- Civic and character education.

The sacrifices that veterans and Medal of Honor recipients have made serving the country.

¹⁰ NBC News, *How Connecticut became the first state to require — and fund — teaching Asian American history*, <https://www.nbcnews.com/news/asian-america/connecticut-became-first-require-fund-teaching-asian-american-history-rcna27113> (last visited February 21, 2023).

¹¹ Section 1000.03(4), F.S.

¹² Section 1003.42(1), F.S.

¹³ Instructional staff of charter schools are generally exempt from this section of law. Section 1002.33(16), F.S.

¹⁴ Section 1003.42(2), F.S.

III. Effect of Proposed Changes:

The bill amends s. 1003.42, F.S., to require instructional staff of public schools to provide instruction on the history of Asian Americans and Pacific Islanders (AAPI), including the immigration, citizenship, civil rights, identity, and culture of AAPIs.

Additionally, the bill requires instructional materials to include AAPI contributions to American society.

The bill makes conforming changes to correct cross references in two sections of law.

Requiring instruction on AAPI history could provide students with a better awareness and understanding of the historical, cultural, and societal impacts made by the AAPI communities.

This bill is effective July 1, 2023.

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. For those school districts that do not already provide instruction on the history of Asian Americans and Pacific Islanders, there may be a cost associated with including this instruction in the required curriculum.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1003.42, 1006.148, and 1014.05.

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.

By Senator Rodriguez

40-00258-23

2023294__

A bill to be entitled

An act relating to required instruction in the history of Asian Americans and Pacific Islanders; amending s. 1003.42, F.S.; requiring that the history of Asian Americans and Pacific Islanders be taught in the public schools; requiring that instructional materials used in teaching this subject area include specified information; amending ss. 1006.148 and 1014.05, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsection (2) of section 1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.—

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction, the following:

(a) The history and content of the Declaration of Independence, including national sovereignty, natural law, self-evident truth, equality of all persons, limited government, popular sovereignty, and inalienable rights of life, liberty, and property, and how they form the philosophical foundation of our government.

Page 1 of 10

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40-00258-23

2023294__

(b) The history, meaning, significance, and effect of the provisions of the Constitution of the United States and amendments thereto, with emphasis on each of the 10 amendments that make up the Bill of Rights and how the constitution provides the structure of our government.

(c) The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers.

(d) Flag education, including proper flag display and flag salute.

(e) The elements of civil government, including the primary functions of and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts, and special districts.

(f) The history of the United States, including the period of discovery, early colonies, the War for Independence, the Civil War, the expansion of the United States to its present boundaries, the world wars, and the civil rights movement to the present. American history shall be viewed as factual, not as constructed, shall be viewed as knowable, teachable, and testable, and shall be defined as the creation of a new nation based largely on the universal principles stated in the Declaration of Independence.

(g)1. The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an

Page 2 of 10

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59 examination of what it means to be a responsible and respectful
 60 person, for the purposes of encouraging tolerance of diversity
 61 in a pluralistic society and for nurturing and protecting
 62 democratic values and institutions, including the policy,
 63 definition, and historical and current examples of anti-
 64 Semitism, as described in s. 1000.05(8), and the prevention of
 65 anti-Semitism. Each school district must annually certify and
 66 provide evidence to the department, in a manner prescribed by
 67 the department, that the requirements of this paragraph are met.
 68 The department shall prepare and offer standards and curriculum
 69 for the instruction required by this paragraph and may seek
 70 input from the Commissioner of Education's Task Force on
 71 Holocaust Education or from any state or nationally recognized
 72 Holocaust educational organizations. The department may contract
 73 with any state or nationally recognized Holocaust educational
 74 organizations to develop training for instructional personnel
 75 and grade-appropriate classroom resources to support the
 76 developed curriculum.

77 2. The second week in November shall be designated as
 78 "Holocaust Education Week" in this state in recognition that
 79 November is the anniversary of Kristallnacht, widely recognized
 80 as a precipitating event that led to the Holocaust.

81 (h) The history of African Americans, including the history
 82 of African peoples before the political conflicts that led to
 83 the development of slavery, the passage to America, the
 84 enslavement experience, abolition, and the history and
 85 contributions of Americans of the African diaspora to society.
 86 Students shall develop an understanding of the ramifications of
 87 prejudice, racism, and stereotyping on individual freedoms, and

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88 examine what it means to be a responsible and respectful person,
 89 for the purpose of encouraging tolerance of diversity in a
 90 pluralistic society and for nurturing and protecting democratic
 91 values and institutions. Instruction shall include the roles and
 92 contributions of individuals from all walks of life and their
 93 endeavors to learn and thrive throughout history as artists,
 94 scientists, educators, businesspeople, influential thinkers,
 95 members of the faith community, and political and governmental
 96 leaders and the courageous steps they took to fulfill the
 97 promise of democracy and unite the nation. Instructional
 98 materials shall include the vital contributions of African
 99 Americans to build and strengthen American society and celebrate
 100 the inspirational stories of African Americans who prospered,
 101 even in the most difficult circumstances. Instructional
 102 personnel may facilitate discussions and use curricula to
 103 address, in an age-appropriate manner, how the individual
 104 freedoms of persons have been infringed by slavery, racial
 105 oppression, racial segregation, and racial discrimination, as
 106 well as topics relating to the enactment and enforcement of laws
 107 resulting in racial oppression, racial segregation, and racial
 108 discrimination and how recognition of these freedoms has
 109 overturned these unjust laws. However, classroom instruction and
 110 curriculum may not be used to indoctrinate or persuade students
 111 to a particular point of view inconsistent with the principles
 112 enumerated in subsection (3) or the state academic standards.
 113 The department shall prepare and offer standards and curriculum
 114 for the instruction required by this paragraph and may seek
 115 input from the Commissioner of Education's African American
 116 History Task Force.

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117 (i) The history of Asian Americans and Pacific Islanders,
 118 including the immigration, citizenship, civil rights, identity,
 119 and culture of Asian Americans and Pacific Islanders and the
 120 contributions of Asian Americans and Pacific Islanders to
 121 American society. Instructional materials must include the
 122 contributions of Asian Americans and Pacific Islanders to
 123 American society.

124 (j) The elementary principles of agriculture.

125 ~~(k)-(j)~~ The true effects of all alcoholic and intoxicating
 126 liquors and beverages and narcotics upon the human body and
 127 mind.

128 ~~(l)-(k)~~ Kindness to animals.

129 ~~(m)-(l)~~ The history of the state.

130 ~~(n)-(m)~~ The conservation of natural resources.

131 ~~(o)-(n)~~ Comprehensive age-appropriate and developmentally
 132 appropriate K-12 instruction on:

133 1. Health education that addresses concepts of community
 134 health, consumer health, environmental health, and family life,
 135 including:

136 a. Injury prevention and safety.

137 b. Internet safety.

138 c. Nutrition.

139 d. Personal health.

140 e. Prevention and control of disease.

141 f. Substance use and abuse.

142 g. Prevention of child sexual abuse, exploitation, and
 143 human trafficking.

144 2. For students in grades 7 through 12, teen dating
 145 violence and abuse. This component must include, but not be

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146 limited to, the definition of dating violence and abuse, the
 147 warning signs of dating violence and abusive behavior, the
 148 characteristics of healthy relationships, measures to prevent
 149 and stop dating violence and abuse, and community resources
 150 available to victims of dating violence and abuse.

151 3. For students in grades 6 through 12, awareness of the
 152 benefits of sexual abstinence as the expected standard and the
 153 consequences of teenage pregnancy.

154 4. Life skills that build confidence, support mental and
 155 emotional health, and enable students to overcome challenges,
 156 including:

157 a. Self-awareness and self-management.

158 b. Responsible decisionmaking.

159 c. Resiliency.

160 d. Relationship skills and conflict resolution.

161 e. Understanding and respecting other viewpoints and
 162 backgrounds.

163 f. For grades 9 through 12, developing leadership skills,
 164 interpersonal skills, organization skills, and research skills;
 165 creating a resume, including a digital resume; exploring career
 166 pathways; using state career planning resources; developing and
 167 practicing the skills necessary for employment interviews;
 168 workplace ethics and workplace law; managing stress and
 169 expectations; and self-motivation.

171 Health education and life skills instruction and materials may
 172 not contradict the principles enumerated in subsection (3).

173 ~~(p)-(o)~~ Such additional materials, subjects, courses, or
 174 fields in such grades as are prescribed by law or by rules of

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175 the State Board of Education and the district school board in
 176 fulfilling the requirements of law.

177 ~~(q)(p)~~ The study of Hispanic contributions to the United
 178 States.

179 ~~(r)(q)~~ The study of women's contributions to the United
 180 States.

181 ~~(s)(r)~~ The nature and importance of free enterprise to the
 182 United States economy.

183 ~~(t)(s)~~ Civic and character education on the qualities and
 184 responsibilities of patriotism and citizenship, including
 185 kindness; respect for authority, life, liberty, and personal
 186 property; honesty; charity; racial, ethnic, and religious
 187 tolerance; and cooperation and, for grades 11 and 12, voting
 188 using the uniform primary and general election ballot described
 189 in s. 101.151(9).

190 ~~(u)(t)~~ In order to encourage patriotism, the sacrifices
 191 that veterans and Medal of Honor recipients have made in serving
 192 our country and protecting democratic values worldwide. Such
 193 instruction must occur on or before Medal of Honor Day,
 194 Veterans' Day, and Memorial Day. Members of the instructional
 195 staff are encouraged to use the assistance of local veterans and
 196 Medal of Honor recipients when practicable.

197

198 The State Board of Education is encouraged to adopt standards
 199 and pursue assessment of the requirements of this subsection.
 200 Instructional programming that incorporates the values of the
 201 recipients of the Congressional Medal of Honor and that is
 202 offered as part of a social studies, English Language Arts, or
 203 other schoolwide character building and veteran awareness

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204 initiative meets the requirements of paragraph (u) ~~(t)~~.

205 Section 2. Paragraph (c) of subsection (1) of section
 206 1006.148, Florida Statutes, is amended to read:
 207 1006.148 Dating violence and abuse prohibited.—
 208 (1) Each district school board shall adopt and implement a
 209 dating violence and abuse policy. The policy shall:
 210 (c) Define dating violence and abuse and provide for a teen
 211 dating violence and abuse component in the health education
 212 curriculum, according to s. 1003.42(2)(o)2. ~~s. 1003.42(2)(n)2.~~,
 213 with emphasis on prevention education.

214 Section 3. Paragraphs (d) and (f) of subsection (1) of
 215 section 1014.05, Florida Statutes, are amended to read:
 216 1014.05 School district notifications on parental rights.—
 217 (1) Each district school board shall, in consultation with
 218 parents, teachers, and administrators, develop and adopt a
 219 policy to promote parental involvement in the public school
 220 system. Such policy must include:
 221 (d) Procedures, pursuant to s. 1002.20(3)(d), for a parent
 222 to withdraw his or her minor child from any portion of the
 223 school district's comprehensive health education required under
 224 s. 1003.42(2)(o) ~~s. 1003.42(2)(n)~~ that relates to sex education
 225 or instruction in acquired immune deficiency syndrome education
 226 or any instruction regarding sexuality if the parent provides a
 227 written objection to his or her minor child's participation.
 228 Such procedures must provide for a parent to be notified in
 229 advance of such course content so that he or she may withdraw
 230 his or her minor child from those portions of the course.

231 (f) Procedures for a parent to learn about parental rights
 232 and responsibilities under general law, including all of the

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233 following:

234 1. Pursuant to s. 1002.20(3)(d), the right to opt his or
 235 her minor child out of any portion of the school district's
 236 comprehensive health education required under s. 1003.42(2)(o)
 237 ~~s. 1003.42(2)(n)~~ that relates to sex education instruction in
 238 acquired immune deficiency syndrome education or any instruction
 239 regarding sexuality.

240 2. A plan to disseminate information, pursuant to s.
 241 1002.20(6), about school choice options, including open
 242 enrollment.

243 3. In accordance with s. 1002.20(3)(b), the right of a
 244 parent to exempt his or her minor child from immunizations.

245 4. In accordance with s. 1008.22, the right of a parent to
 246 review statewide, standardized assessment results.

247 5. In accordance with s. 1003.57, the right of a parent to
 248 enroll his or her minor child in gifted or special education
 249 programs.

250 6. In accordance with s. 1006.28(2)(a)1., the right of a
 251 parent to inspect school district instructional materials.

252 7. In accordance with s. 1008.25, the right of a parent to
 253 access information relating to the school district's policies
 254 for promotion or retention, including high school graduation
 255 requirements.

256 8. In accordance with s. 1002.20(14), the right of a parent
 257 to receive a school report card and be informed of his or her
 258 minor child's attendance requirements.

259 9. In accordance with s. 1002.23, the right of a parent to
 260 access information relating to the state public education
 261 system, state standards, report card requirements, attendance

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262 requirements, and instructional materials requirements.

263 10. In accordance with s. 1002.23(4), the right of a parent
 264 to participate in parent-teacher associations and organizations
 265 that are sanctioned by a district school board or the Department
 266 of Education.

267 11. In accordance with s. 1002.222(1)(a), the right of a
 268 parent to opt out of any district-level data collection relating
 269 to his or her minor child not required by law.

270 Section 4. This act shall take effect July 1, 2023.

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

3/6/2023

Meeting Date

SB 294

Bill Number or Topic

Education PreK-12

Committee

Amendment Barcode (if applicable)

Name Nancy Lawther, Ph.D

Phone 407 853-7604

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Email legislation@floridapta.org

Street

Orlando, FL 32809

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

3/6/2023

Meeting Date

The Florida Senate APPEARANCE RECORD

SB294

Bill Number or Topic

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PREK-12

Committee

Amendment Barcode (if applicable)

Name Wen Raiti

Phone 412-983-6012

Address 224 Bowles Street
Street

Email PeaceWen@hotmail.com

Neptune Beach FL 32266
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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The Florida Senate

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Meeting Date

SB 294

Bill Number or Topic

PreK-12

Committee

Amendment Barcode (if applicable)

Name

Clyde Diao

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850-339-5227

Address

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Email

cldiao2@gmail.com

Street

Tallahassee

FL

32317

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

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03-06-23

Meeting Date

Prek-12

Committee

SB 294

Bill Number or Topic

74-322-5390

Amendment Barcode (if applicable)

Name ANDRA MACABASCO

Phone 904 859 5410

Address 3008 ST JOHNS AVE
~~598 CHURCH CT.~~

Email audra.rose.mcabasco@yahoo.com

Street

JACKSONVILLE FL 32205

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

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03/06/2022

Meeting Date

SB294

Bill Number or Topic

PreK-12

Committee

Amendment Barcode (if applicable)

Name Sarah Li - Cain

Phone 724-322-5390

Address 12208 Silver Saddle

Email sarahlicain@gmail.com

Street

Jacksonville FL 32258

City

State

Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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3/6/23

Meeting Date

The Florida Senate APPEARANCE RECORD

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SB 244

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Alice Kerce (pierce but with a "k") Phone 904 252 0405

Address 215 S Monroe St Suite 710 Email alice@afloridapromise.org
Street

Tallahassee FL 32301
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

The Foundation for Florida's Future

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

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 Pre-K -12

BILL: SB 478

INTRODUCER: Senator Perry

SUBJECT: Early Childhood Music Education Incentive Program

DATE: March 3, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	Favorable
2.			AED	
3.			AP	

I. Summary:

SB 478 converts the Early Childhood Music Education Incentive Pilot Program into a permanent program administered by the Department of Education.

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

This bill takes effect upon becoming a law.

II. Present Situation:

The Legislature established the Early Childhood Music Education Incentive Pilot Program (pilot program) in 2017 to assist certain school districts in implementing comprehensive music education programs in kindergarten through grade 2, beginning with the 2017-2018 school year.¹

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 specified elementary schools within the district have established a comprehensive music education program that:²

- 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 two days a week;
- Complies with class size requirements under the law;³ and

¹ Chapter 2017-116, Laws of Fla.

² Section 1003.481(2)(a)-(e), F.S.

³ 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.

- 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. 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.⁴

The University of Florida’s College of Education is required to collaborate with Florida International University’s School of Music to evaluate the effectiveness of the pilot program. Upon completion, the results of the evaluation must be shared with the Florida Center for Partnerships in Arts-Integrated Teaching. The State Board of Education is authorized to adopt rules to administer the pilot program.⁵

The Legislature appropriated \$400,000 for the pilot program in each of the fiscal years from 2020 through 2023.⁶ For the 2021-2022 school year, 10 schools from the Alachua, Marion, and Miami-Dade school districts were selected to participate in the program and served approximately 2,000 students in kindergarten through second grade.⁷

The pilot program is scheduled to expire on June 30, 2023.⁸

III. Effect of Proposed Changes:

SB 478 converts the Early Childhood Music Education Incentive Pilot Program into a permanent program. The bill shifts from the Commissioner of Education to the Department of Education the responsibility for administering the program. The bill replaces the requirement for the program administrator to select school districts to participate in the program with the requirement to approve school districts to participate in the program.

The bill removes the responsibilities assigned to the University of Florida and Florida International University and removes proximity to the University of Florida as a factor in eligibility to participate in the program.

Transitioning the pilot to a permanent program may increase the number of school districts that implement a comprehensive music education programs for students in kindergarten through grade 2

The bill takes effect upon becoming law.

⁴ Section 1003.481(3)(a), F.S.

⁵ Section 1003.481(4) and (5), F.S.

⁶ Ch. 2020-111, s. 2, Specific Appropriation 114, Laws of Fla.; Ch. 2021-36, s. 2, Specific Appropriation 110, Laws of Fla.; and Ch. 2022-156, s. 2, Specific Appropriation 104, Laws of Fla.

⁷ Email, Office of Senator Keith Perry (Feb. 27, 2023), with attachments.

⁸ Section 1003.481(6), F.S.

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 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 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 Perry

9-01076-23

2023478__

A bill to be entitled

An act relating to the Early Childhood Music Education Incentive Program; amending s. 1003.481, F.S.; renaming the Early Childhood Music Education Incentive Pilot Program as the Early Childhood Music Education Incentive Program; transferring certain duties regarding the program's administration from the Commissioner of Education to the Department of Education; revising criteria for a school district's eligibility to participate in the program; deleting an obsolete provision requiring the University of Florida's College of Education to conduct a specified evaluation; abrogating the scheduled expiration of provisions governing the program; providing an effective date.

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

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

1003.481 Early Childhood Music Education Incentive ~~Pilot~~ Program.—

(1) The Early Childhood Music Education Incentive ~~Pilot~~ Program is created within the Department of Education. The purpose of the ~~pilot~~ program is to assist participating selected school districts in implementing comprehensive music education programs for students in kindergarten through grade 2.

(2) A school district is eligible for participation in the ~~pilot~~ program if the superintendent certifies to the department

Page 1 of 3

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~~Commissioner of Education~~, in a format prescribed by the department, that specified elementary schools within the district have established a comprehensive music education program that:

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

(b) Is staffed by certified music educators.

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

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

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

(3) (a) The department commissioner shall approve 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. Participating Selected school districts shall annually receive \$150 per full-time equivalent student in kindergarten through grade 2 who is enrolled in a comprehensive music education program.

(b) To maintain eligibility for participation in the ~~pilot~~ program, a participating selected school district must annually certify to the ~~department commissioner~~, in a format prescribed by the department, that each specified elementary school within the district provides a comprehensive music education program that meets the requirements of subsection (2). If a participating selected school district fails to provide the annual certification for a fiscal year, the school district must

Page 2 of 3

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59 return all funds received through the pilot program for that
60 fiscal year.

61 ~~(4) The University of Florida's College of Education, in~~
62 ~~collaboration with Florida International University's School of~~
63 ~~Music, shall evaluate the effectiveness of the pilot program by~~
64 ~~measuring student academic performance and the success of the~~
65 ~~program. The evaluation must include, but is not limited to, a~~
66 ~~quantitative analysis of student achievement and a qualitative~~
67 ~~evaluation of students enrolled in the comprehensive music~~
68 ~~education programs. The results of the evaluation must be shared~~
69 ~~with the Florida Center for Partnerships for Arts-Integrated~~
70 ~~Teaching upon completion of the evaluation.~~

71 ~~(5) The State Board of Education may adopt rules to~~
72 ~~administer this section.~~

73 ~~(6) This section expires June 30, 2023.~~

74 Section 2. This act shall take effect upon becoming a law.

3/6/2023

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 478

Bill Number or Topic

Education PreK-12

Committee

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Amendment Barcode (if applicable)

Name

Nancy Lawther, Ph.D

Phone

407 855-7604

Address

1747 Orlando Central Pkwy

Email

legislator@floridapta.org

Street

Orlando FL 32809

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida PTA

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S-001 (08/10/2021)

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 Pre-K -12

BILL: SB 244

INTRODUCER: Senator Calatayud

SUBJECT: K-12 Teachers

DATE: March 3, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Bouck	ED	Favorable
2.			AED	
3.			AP	

I. Summary:

SB 244 expands opportunities for teacher recruitment and retention, and clarifies teachers' rights. Specifically in the areas of teacher recruitment and retention, the bill:

- Authorizes state-approved teacher preparation programs to be eligible for the buy-one-get-one tuition and fee waiver for qualified students.
- Establishes the Dual Enrollment Educator Scholarship Program to assist Florida public high school teachers in obtaining the graduate degree and credentials necessary to provide dual enrollment coursework directly to students on a Florida high school campus.
- Establishes the Teacher Apprenticeship Program as alternative pathway for individuals to enter the teaching profession, and authorizes a temporary apprenticeship certificate.
- Authorizes the receipt of a master's degree or higher to satisfy specified educator subject area certification requirements.
- Waives teacher certification initial exam and certification fees for a retired first responder.
- Establishes the Heroes in the Classroom Bonus Program to provide a one-time sign-on bonus to retired first responders and veterans who become a full-time classroom teacher.

The bill creates chapter 1015 of the Florida Statutes to catalog a number of teachers' rights that are currently guaranteed in law regarding employment, continuing education, controlling the classroom, directing classroom instruction, and receiving timely assessment data.

However, the bill creates a new pathway for objections by teachers who believe the school district has directed him or her to violate state law or State Board of Education (SBE) rule. The bill authorizes the teacher to request an investigation by a special magistrate, who will report findings to the SBE.

The fiscal impact of the bill is indeterminate at this time. See Section V.

The bill takes effect on July 1, 2023.

II. Present Situation:

The Present Situation is presented under Section III, Effect of Proposed Changes.

III. Effect of Proposed Changes:

Office of Inspector General

Present Situation

The Office of Chief Inspector General (CIG) is responsible for promoting accountability, integrity, and efficiency in agencies under the Governor’s jurisdiction.¹ The CIG also monitors the activities of the agency inspectors general under the Governor’s jurisdiction.²

Authorized under s. 20.055, F.S., an Office of Inspector General (OIG) is established in each state agency³ to provide a central point for the coordination and responsibility for activities that promote accountability, integrity, and efficiency in government. Agency OIG duties include:⁴

- Assessing agency performance measures and standards, and evaluating agency actions to improve performance.
- Supervising and coordinating audits, investigations, and reviews relating to the programs and operations of the state agency; and
- Conducting, supervising, or coordinating activities to prevent and detect fraud and abuse in agency programs and operations.

The OIG in the Florida Department of Education (FDOE) is responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts, the Florida School for the Deaf and the Blind (FSDB), and Florida College System (FCS) institutions in Florida.⁵ The OIG is authorized to conduct, coordinate, or request investigations into substantiated allegations of waste, fraud, or financial mismanagement if the Commissioner of Education determines a school district, the FSDB, or an FCS institution is unwilling to address allegations. The office must also investigate allegations or reports of possible fraud or abuse against a district school board made by any member of the Cabinet; the presiding officer of either house of the Legislature; a chair of a substantive or appropriations committee with jurisdiction; or a member of the board for which an investigation is sought.⁶

Effect of Proposed Changes

The bill amends s. 1001.20, F.S., to expand the scope of FDOE OIG investigations by authorizing the Office of Inspector General to investigate allegations or reports of suspected violations of a student’s, a parent’s, or a teacher’s rights.

¹ Section 14.32(1), F.S.

² Section 14.32(2), F.S.

³ Section 20.055(1)(d), F.S., defines the term “state agency” as each department created pursuant to ch. 20, F.S., which includes the Department of Education (FDOE).

⁴ Section 20.055(2), F.S.

⁵ Section 1001.20(4)(e), F.S.

⁶ *Id.*

Postsecondary Tuition and Fees

Present Situation

Under Florida law, “tuition” is defined as the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state.⁷ Florida law provides that all students enrolled in college credit programs at state universities will be charged fees, except students that are exempt or those whose fees are waived.⁸

The resident undergraduate tuition rate for the State University System (SUS) is currently set in statute at \$105.07 per credit hour.⁹ The average tuition and fees per credit hour are \$199.72.¹⁰

Florida law provides for waivers from specified fees to certain students who meet identified criteria.¹¹ Some waivers are mandatory,¹² while others are permissive.¹³ For example, an SUS or FCS institution may waive tuition and fees for a classroom teacher who is employed full-time by a school district and who meets the established academic requirements, up to 6 credit hours per term on a space-available basis in undergraduate courses approved by the FDOE. Such courses must be limited to undergraduate courses related to special education, mathematics, or science.¹⁴

Buy One, Get One Free Tuition & Fee Waiver

SUS institutions must provide a “buy one, get one free” (BOGO) tuition and fee waiver on upper-level courses in one of ten science, technology, engineering, or math (STEM) programs of strategic emphasis (PSE), as adopted by the Board of Governors (BOG).¹⁵ Specifically, for every course in a qualifying PSE in which a student is enrolled, a state university must waive 100 percent of the tuition and fees for an equivalent course in such program. To be eligible, a student must:¹⁶

- Be an resident for tuition purposes;¹⁷
- Earn at least 60 semester credit hours towards a baccalaureate degree within two academic years after initial enrollment at a Florida public postsecondary institution; and
- Be enrolled in one of 10 STEM PSE.

On June 22, 2021, the BOG adopted eight programs for the BOGO fee waiver: Civil Engineering, Computer + Information Science, Computer Engineering, Electrical + Electronics

⁷ Section 1009.01 (1), F.S.

⁸ Section 1009.24(1) and (2), F.S.

⁹ Section 1009.24(4)(a), F.S.

¹⁰ See State University System of Florida, *Tuition and Required Fees, 2022-23 (2022)*, available at

https://www.flbog.edu/wp-content/uploads/2023/01/2022-2023-SUS-Tuition-and-Fees-Report_updated-with-footnote.pdf

¹¹ Section 1009.26, F.S.

¹² Section 1009.26 (5), (7)-(8), (12)-(14), F.S.

¹³ Section 1009.26 (1)-(4), (6), (9)-(11), (15)-(16), F.S.

¹⁴ Section 1009.26(10), F.S., and Rule 6A-14.0542, F.A.C.

¹⁵ Section 1009.26(18)(a), F.S.

¹⁶ *Id.*

¹⁷ A student who is classified as a “resident for tuition purposes” is a student who qualifies for the in-state tuition rate. Section 1009.21(1)(g), F.S.

Engineering, Information Technology, Management Information Systems, Mathematics, and Physics.¹⁸

Beginning in the 2022-2023 academic year, students are eligible to receive the tuition and fee waiver in two additional PSE, finance and accounting,¹⁹ as adopted by the BOG.²⁰

The tuition and fee waiver is applicable only for upper-level courses and for up to 110 percent of the number of required credit hours of the degree program for which the student is enrolled.²¹ This means that for a 120-credit hour state university baccalaureate degree program, the waiver is applicable unless the student has earned an excess of 132 credit hours.

Effect of Proposed Changes

In order to increase the number of students who choose to enroll in an initial teacher preparation program at a state university, the bill amends s. 1009.26, F.S., to include state-approved teacher preparation programs as eligible for the buy-one-get-one tuition and fee waiver for qualified students.

Dual Enrollment

Present Situation

Dual enrollment (DE) is the enrollment of an eligible public or private school student in grades 6-12 or home education student in a postsecondary course creditable toward both a high school diploma and a career certificate or an associate or baccalaureate degree.²² Students who meet the eligibility requirement and who participate in DE programs are exempt from the payment of registration, tuition, and laboratory fees.²³

Each faculty member providing instruction in college credit DE courses must, among other requirements, meet the qualifications, including college level teaching credentials, required by the entity accrediting the postsecondary institution offering the course, regardless of the location of instruction.²⁴ For example, the Commission on Colleges of the Southern Association of Colleges and Schools requires faculty teaching general education courses to have a doctorate or master's degree in the teaching discipline, or a master's degree with at least 18 graduate semester hours in the teaching discipline.²⁵

¹⁸ State University System, *Strategic Planning Committee Meeting Agenda for June 22, 2021*, available at <https://www.flbog.edu/session/strategic-planning-committee-klwekqle/> [Strategic Planning Committee - State University System of Florida \(flbog.edu\)](#)

¹⁹ State University System, *Strategic Planning Committee Meeting Agenda for June 29, 2022*, available at https://www.flbog.edu/wp-content/uploads/2022/06/Full_Board_SPC_PSE_Tuition_Waiver_ai_CE-1.pdf

²⁰ The Florida Channel, *Florida BOG Meeting Part 2 June 29, 2022*, available at <https://thefloridachannel.org/videos/6-29-22-florida-board-of-governors-meeting-part-2/> at 6:20.

²¹ Section 1009.26(b), F.S.

²² Section 1007.271(1), F.S.

²³ Section 1007.271, F.S. However, s. 1011.62(1)(i), F.S., specifies that the exemption from tuition and fees does not apply to dual enrollment at an eligible private postsecondary institution.

²⁴ Section 1007.271(5), F.S.

²⁵ Southern Association of Colleges and Schools, Commission on Colleges, *Faculty Credentials Guidelines* (Apr. 2018), available at <https://sacscoc.org/app/uploads/2019/07/faculty-credentials.pdf>.

Effect of Proposed Changes

Dual Enrollment Educator Scholarship Program

The bill establishes s. 1009.31, F.S., the Dual Enrollment Educator Scholarship Program (DEES Program), administered by the FDOE in accordance with SBE rules, to assist Florida public high school teachers in obtaining the graduate degree and credentials necessary in order to provide DE coursework directly to student on a Florida high school campus. The FDOE, in consultation with the BOG, must:

- Identify graduate-level degree programs offered at SUS institutions that would authorize an individual to teach postsecondary general education core courses and post it on its website.
- Identify qualified degree programs that are available entirely online.

The FDOE must:

- Identify and prioritize districts for participation in the DEES Program based on each district's ratio of students from low-income and moderate-income households, the availability of DE courses in the district, and the geographic proximity of high schools in the district to participating postsecondary institutions.
- Prioritize DEES Program applicants who are currently enrolled in an approved graduate program at a state university.
- Identify school districts with the highest need for teachers, in which participants completing the DEES Program may teach at for at least three years.

To be eligible for the DEES Program, an applicant must be a certified teacher in grades 9-12 in a Florida public school and be accepted into, or currently enrolled in, an approved graduate program in a subject within his or her area of certification.

As a condition of receiving a scholarship, the recipient must agree to do all of the following:

- Complete the graduate degree program and additional required credentials within three academic years of the initial award.
- Upon completion of the degree, teach at least one identified and mutually agreed upon general education core course per semester at a public school. The recipient may teach additional courses at the school upon approval.
- Remain in his or her district, or an eligible district as a certified classroom teacher for at least three school years after completion of his or her degree.

A scholarship recipient who does not complete an identified degree, or who does not complete at least three school years of service after the completion of such degree, must repay the amount of the scholarship to the FDOE. The FDOE may provide the teacher additional time to meet the service requirement under specified circumstances.

Funding for the DEES Program is contingent upon the appropriation of funds in the General Appropriations Act (GAA).

The SBE must adopt rules to implement the DEES Program.

Apprenticeship Programs

Present Situation

The federal government works in cooperation with states to oversee the nation's apprenticeship programs. The states have the authority to register apprenticeship programs through federally-recognized State Apprenticeship Agencies.²⁶ In Florida, the Department of Education serves as the registering entity to ensure compliance with federal and state apprenticeship standards, provide technical assistance, and conduct quality assurance assessments.²⁷

Work-based learning opportunities in Florida are encouraged to prioritize paid experiences, such as apprenticeship and preapprenticeship programs.²⁸

Registered Apprenticeship Programs

Florida law defines an apprentice as a person at least 16 years of age who has entered into a written apprentice agreement with an employer, an association of employers, or a local joint apprenticeship committee to learn a recognized skilled trade through actual work experience under the supervision of another worker who has completed an apprenticeship program or has worked in the field for a minimum number of years established by industry standard. Training for an apprentice should be combined with properly coordinated studies of related technical and supplementary instruction.²⁹

An apprenticeship program must be registered and approved by the FDOE,³⁰ which is responsible for establishing minimum standards for registered apprenticeship programs and facilitating and supervising registered apprenticeship programs.³¹ In the 2021-2022 program year, the FDOE registered 27 new apprenticeship programs for a total of 275 programs, training 15,479 apprentices. Of these apprentices, 1,917 completed a program and received an apprenticeship certificate and an average exit annual salary of \$49,629.³²

Grow Your Own Programs

Grow Your Own (GYO) programs can be targeted to different groups, including high school students and paraprofessionals,³³ or teaching positions, including hard-to-staff schools, but they are typically focused on recruiting and preparing community members to address local teacher shortages.³⁴ Several states are in various stages of development for a GYO program, including

²⁶ 29 C.F.R. ss. 29.1 and 29.13.

²⁷ 29 C.F.R. s. 29.2.

²⁸ Section 446.0915, F.S.

²⁹ Section 446.021(2), F.S.

³⁰ Section 446.021(6), F.S.

³¹ Section 446.041, F.S.

³² FDOE, *Florida's Annual Apprenticeship and Preapprenticeship Report (2022)*, available at <https://www.fldoe.org/core/fileparse.php/9904/urlt/2122ApprenticeshipReport.pdf>, at 6 and 31.

³³ Education paraprofessionals is defined as individuals who are under the direct supervision of an instructional staff member, aiding the instructional process. Section 1012.01(2)(e), F.S.

³⁴ Education Commission of the States, *State Approaches to Fund Grow-Your-Own Programs (2022)*, available at https://www.ecs.org/wp-content/uploads/State-Information-Request_Grow-Your-Own-Programs-and-Teacher-Apprenticeship-Programs.pdf.

teacher apprenticeships.³⁵ Tennessee and West Virginia have registered teacher apprenticeship programs with the United States Department of Labor.

Effect of Proposed Changes

Teacher Apprenticeship Program

The bill establishes s. 1012.555, the Teacher Apprenticeship Program (TAP), administered by the FDOE, to create an alternative pathway for an individual to enter the teaching profession.

To participate in the TAP, an individual must have:

- Received an associate degree from an accredited postsecondary institution.
- Earned a cumulative grade point average of 3.0 in that degree program.
- Successfully passed a background screening pursuant to law.
- Received a temporary apprenticeship certificate created in the bill.

As a condition of participating in the TAP, an apprentice teacher must commit to spending the first two years in the classroom of a mentor teacher using team teaching strategies as specified in law³⁶ and fulfilling the on-the-job training component of the registered apprenticeship and its associated standards.

An apprentice teacher must receive related instruction required for the apprenticeship, and complete two years in an apprenticeship before being eligible to apply for a professional certificate. However, completion of the TAP does not exempt an apprentice from earning a bachelor's degree or higher.

An apprentice teacher must be appointed by the district school board as an education paraprofessional and must be paid in accordance with law and SBE rules. An apprentice teacher may change schools or districts after the first year of participation if the hiring school or district agrees to fund the remaining year of the TAP.

A teacher who serves as a mentor in the TAP must mentor the apprentice teacher using team teaching strategies and must, at a minimum meet all of the following requirements:

- Have at least seven years of teaching experience in Florida.
- Have received an aggregate score of highly effective (HE) on the 3 most recent available value-added model (VAM) scores,³⁷ as used by the FDOE, or have received an aggregate score of HE on the 3 most recent available performance evaluations³⁸ if the teacher does not generate a state VAM score.

³⁵ *Id.* States include California, Colorado, Florida, Illinois, Iowa, Missouri, New Mexico, North Dakota, Texas, Washington, and Wyoming.

³⁶ “Team teaching” or “co-teaching” means two or more teachers are assigned to a group of students and each teacher is responsible for all of the students during the entire class period. Section 1003.03(5)(c), F.S.

³⁷ Rule 6A-5.0411(2), F.A.C. “Value-added model” or “VAM.” is a statistical model used for the purpose of determining an individual teacher’s contribution to student learning growth.

³⁸ *See* Section 1012.34, F.S. The evaluation systems for instructional personnel must differentiate among four levels of performance; highly effective, effective, needs improvement or developing, and unsatisfactory. The performance evaluation must be based upon sound educational principles, contemporary research in effective educational practices and must include the performance of students and instructional practice.

- Satisfy any other requirements established by the FDOE.

Subject to legislative appropriation, a teacher who serves as a mentor in TAP may receive a bonus. If such funding is available, the district school board must pay a teacher who serves as a mentor:

- Fifty percent of the bonus amount upon completion of the first year of the apprenticeship.
- The remainder of the bonus at the conclusion of the apprenticeship if:
 - The teacher successfully guides his or her apprentice to completion of the TAP;
 - Upon completion of the TAP, his or her apprentice is hired by a Florida school district or charter school; and
 - The teacher meets any additional requirements imposed by SBE rule.

A class in which an apprenticeship is conducted may exceed the class size limitation³⁹ as required by law up to 1.5 times the allowable number of students.

The SBE is authorized to adopt rules to implement the TAP.

Educator Certification

Present Situation

Educational personnel in public schools must possess appropriate skills in reading, writing, and mathematics; adequate pedagogical knowledge; and relevant subject matter competence so as to demonstrate an acceptable level of professional performance.⁴⁰ In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the FDOE.⁴¹

The SBE designates the certification subject areas, establishes competencies, and adopts rules in accordance with which education certificates are issued by the FDOE to qualified applicants.⁴²

General Eligibility

In order to seek educator certification, a person must attest to uphold the principles of the United States and meet other general eligibility requirements, which include receipt of a bachelor's or higher degree from an approved postsecondary institution and minimum age, background screening, moral character, and competence requirements.⁴³

³⁹ Section 1003.03, F.S. The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for prekindergarten through grade 3 may not exceed 18 students, for grades 4 through 8 may not exceed 22 students, and grades 9-12 may not exceed 25 students.

⁴⁰ Section 1012.54, F.S.

⁴¹ Sections 1012.55(1) and 1002.33(12)(f), F.S.

⁴² Section 1012.55(1)(a), F.S.

⁴³ Section 1012.56(2), F.S., and Rule 6A-4.003, F.A.C.

Professional Educator Certificate

A professional teaching certificate is valid for five school fiscal years and is renewable. A professional certificate is awarded to an applicant who meets the basic eligibility requirements for certification and demonstrates mastery of:⁴⁴

- General knowledge, only if serving as a classroom teacher.
- Subject area knowledge.
- Professional preparation and education competence.

Acceptable means of demonstrating mastery of general knowledge include passing one of several different examinations identified by the SBE, having a valid teaching certificate from another state, having a valid certificate from the National Board for Professional Teaching Standards (NBPTS), teaching a minimum of two semesters in either full-time or part-time status at a state college or university or at the private college level, or having a master's or higher degree from an accredited postsecondary education institution.⁴⁵

The acceptable means of demonstrating mastery of subject area knowledge include passing a subject area or other alternative examination as approved by the SBE, having a valid teaching certificate from another state, having a valid certificate from the NBPTS, or a passing score or program completion of a specified defense language proficiency test or program.⁴⁶

A candidate for a professional certificate may demonstrate professional preparation and education competence through the completion of a teacher preparation program and a passing score on the corresponding professional education competency exam required by the SBE.⁴⁷ Other means include a valid certification from another state, postsecondary teaching experience, or completion of a professional development education competency program.⁴⁸

Currently, 37 school districts operate their own FDOE approved professional development certification programs.⁴⁹

Temporary Educator Certificate

A temporary teaching certificate is valid for three school years and is nonrenewable.⁵⁰ The FDOE is required by law to issue a temporary certificate to any applicant who:⁵¹

- Completes applicable subject area content requirements or demonstrates mastery of subject area knowledge by, for example, successful completion of an approved exam; and
- Holds an accredited degree or a degree approved by the FDOE at the level required for the subject area specialization in SBE rule.

⁴⁴ Section 1012.56(2)(g)-(i), F.S.

⁴⁵ Section 1012.56(3), F.S.; and Rule 6A-4.004, F.A.C.

⁴⁶ Section 1012.56(5), F.S., and Rule 6A-4.002(4), F.A.C.

⁴⁷ FDOE, *Competencies and Skills Required for Teacher Certification in Florida* (Oct. 1, 2020), incorporated by reference in rule 6A-4.0021, F.A.C., available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10344>.

⁴⁸ Section 1012.56(6), F.S.

⁴⁹ Florida Department of Education, *Professional Development Certification Programs*, <https://www.fldoe.org/teaching/preparation/pdcp.shtml> (last visited Feb. 27, 2023).

⁵⁰ Section 1012.56(7), F.S.

⁵¹ Section 1012.56(7)(b), F.S. As specified in law, an alternative pathway for a temporary certificate is available for a military service member, for a subject area specialization for which the SBE otherwise requires a bachelor's degree.

A person who is issued a temporary certificate must be assigned a teacher mentor for a minimum of two school years after commencing employment. Each teacher mentor selected must:⁵²

- Hold a valid professional certificate;
- Have earned at least 3 years of teaching experience in prekindergarten through grade 12; and
- Have earned an effective or highly effective rating on the prior year's performance evaluation.

A classroom teacher under a temporary certificate has the validity period of the certificate to complete the remaining requirements of general knowledge and professional preparation and education competence in preparation for application for a professional certificate.⁵³

Other Instructional Staff Options

Florida law provides other mechanisms for school districts to hire classroom teachers, which include:

- Non-certificated personnel who may provide instructional services in the individuals' fields of specialty or assist instructional staff members as education paraprofessionals.⁵⁴
- Issuance of an adjunct teaching certificate to any applicant who satisfies general eligibility requirements for certification and has demonstrated expertise in teaching area.⁵⁵
- Non-degreed teachers of career education, whose qualifications are based primarily on successful occupational experience rather than academic training, and who may only teach in a career and technical education program.⁵⁶

Certification Exam Fee Waivers

The SBE is required to, in rule,⁵⁷ establish separate fees for applications, examinations, certification, certification renewal, late renewal, recordmaking, and recordkeeping. Each fee must be based on FDOE estimates of the revenue required to implement the Florida law relating to certification of school personnel. Each examination fee must be sufficient to cover the actual cost of developing and administering the examination.⁵⁸

The SBE is required to waive initial general knowledge, professional education, and subject area examination fees and certification fees for:⁵⁹

- A member of the U.S. Armed Forces or a reserve component thereof who is serving or has served on active duty or the spouse of such a member.
- The surviving spouse of a member of the U.S. Armed Forces or a reserve component thereof who was serving on active duty at the time of death.

⁵² Section 1012.56(7)(c), F.S.

⁵³ FDOE, *Upgrading from the Temporary to the Professional Certificate*,

<https://www.fdoe.org/teaching/certification/general-cert-requirements/moving-from-the-temporary-to-the-profe.stml> (last visited Feb. 27, 2023).

⁵⁴ Section 1012.55(1)(c), F.S.

⁵⁵ Section 1012.57(1), F.S.

⁵⁶ Section 1012.43, F.S.

⁵⁷ Section 1012.59, F.S. Rule 6A-4.0021, F.A.C.

⁵⁸ Section 1012.59, F.S.

⁵⁹ Section 1012.59(3), F.S.

- An honorably discharged veteran of the U.S. Armed Forces or a veteran of a reserve component thereof who served on active duty and the spouse or surviving spouse of such a veteran.

A fee waiver is valid for up to five years after the veteran or his or her spouse is determined eligible.⁶⁰

Effect of Proposed Changes

Educator Certification

The bill amends s. 1012.56, F.S., to add additional options to satisfy educator certification requirements. The bill:

- Authorizes, for a subject requiring only a baccalaureate degree for which a Florida subject area exam has been developed, documentation of a master's degree or higher from an accredited postsecondary educational institution identified as having a quality program in the certificate subject area, to meet the mastery of subject area knowledge requirement.
- In order to support the Teacher Apprenticeship Program created in the bill, requires the FDOE to issue a five-year nonrenewable temporary apprenticeship certificate to any applicant who meets specified eligibility requirements and completes specified subject area content requirements pursuant to SBE rule or law.

Certification Exam Fee Waivers

The bill amends s. 1012.59 to waive initial general knowledge, professional education, and subject area exam fees and certification fees for a retired first responder, which includes a law enforcement officer, a firefighter, or an emergency medical technician or paramedic.

Teacher Recruitment for Military and First Responders

Present Situation

Federal Troops to Teachers Program

In 1993, the Department of Defense (DOD) established the Troops to Teachers (TTT) program to assist transitioning service members and veterans in beginning careers as school teachers. The program provided counseling and referral services to assist members and veterans in meeting education and licensing requirements to secure a teaching position.⁶¹

Within the program, the DOD provided assistance of up to \$5,000 to eligible members to obtain certification or licensing as educators, and up to \$10,000 in bonuses to participants who agree to teach in high-poverty schools.⁶²

Members of the armed forces who wish to receive the program's assistance for placement are required to have a bachelor's or advanced degree, and priority is given to those members who

⁶⁰ Rule 6A-4.0012(8)(e), F.A.C.

⁶¹ United States Army, *Troops to Teachers (TTT)*, [https://myarmybenefits.us.army.mil/Benefit-Library/Federal-Benefits/Troops-to-Teachers-\(TTT\)?serv=122](https://myarmybenefits.us.army.mil/Benefit-Library/Federal-Benefits/Troops-to-Teachers-(TTT)?serv=122) (last visited Feb. 24, 2023).

⁶² U.S. Department of Education, *Troops to Teachers Program*, <https://www2.ed.gov/programs/troops/index.html> (last visited Feb. 24, 2023).

have educational or military experience in science, mathematics, special education, or vocational/technical subjects.⁶³ To receive the stipend, participants are required to:⁶⁴

- Be enrolled in an accredited institution that would result in licensure as a full-time teacher;
- Commit to full-time teaching in an eligible or high need school for three years; and
- If not retired or discharged due to service-connected physical disability, commit to serving three years in reserves.

The program's goals include reducing veteran unemployment, increasing the number of male and minority teachers in classrooms, and addressing the teacher shortage issues in schools that serve low-income families and in the critical subject areas including math, science, special education, foreign language, and career and technical education. Since the program's launch in 1993, more than 100,000 veterans have transitioned to a career in education.⁶⁵

The TTT program was extended through July 1, 2025, in the National Defense Authorization Act for Fiscal Year 2022.⁶⁶

Alternative Certification Pathway for Veterans

In 2022, the Legislature provided an alternative pathway for veterans seeking subject area certification by removing the requirement for a baccalaureate degree for issuance of their temporary educator certificate if certain requirements are met, which include 48 months of active duty service and completion of 60 college credits.⁶⁷

Effect of Proposed Changes

Heroes in the Classroom Bonus Program

The bill establishes s. 1012.715 F.S., the Heroes in the Classroom Bonus Program (HCB Program) to provide a one-time sign-on bonus, as provided in the GAA, to retired first responders and veterans, as defined, who commit to joining the teaching profession as a full-time classroom teacher. An eligible individual may also receive an additional bonus for teaching a course in a critical teacher shortage area⁶⁸ as defined in law.

To be eligible to receive a bonus under the HCB Program, an individual must document:

- As applicable, that he or she has not been the subject of any specified disciplinary action during the most recent 5 years of his or her employment;
- His or her honorable discharge from the military;
- Receipt of a professional or temporary certificate; and

⁶³ *Id.*

⁶⁴ United States Army, *Troops to Teachers (TTT)*, [https://myarmybenefits.us.army.mil/Benefit-Library/Federal-Benefits/Troops-to-Teachers-\(TTT\)?serv=122](https://myarmybenefits.us.army.mil/Benefit-Library/Federal-Benefits/Troops-to-Teachers-(TTT)?serv=122) (last visited Feb. 24, 2023).

⁶⁵ *Id.*

⁶⁶ Pub. L. No. 117-81, s. 1605 (Dec. 27, 2021).

⁶⁷ Section 1012.55(1)(d), F.S.

⁶⁸ Section 1012.07, F.S. Critical teacher shortage areas for 2022-2023 include English, Exceptional Student Education, Science-General, Reading, English for Speakers of Other Languages, Math, Science-Physical. FDOE, *Identification of Critical Teacher Shortage Areas for 2022-2023* (2022), available at <https://www.fldoe.org/core/fileparse.php/20042/urlt/7-2.pdf>

- Commit to maintaining employment with the district or charter school for a minimum of two school years.

The FDOE must administer the program and establish:

- A method for determining the estimated number of eligible military veterans and first responders hired in the applicable fiscal year.
- Additional minimum criteria necessary to receive the bonus.
- An estimated cost to the FDOE associated with developing and administering the HCB Program.
- A method by which a teacher must reimburse the state if he or she receives a bonus payment but fails to maintain continuous employment as required.

In addition, the FDOE must identify critical teacher shortage areas in which a military veteran or retired first responder who teaches may be eligible for an additional bonus.

Under the HCB Program, a school district that hires eligible participants must:

- Provide any necessary information requested by the FDOE.
- Notify, in a manner established by the FDOE, eligible employees for whom such employment may impact their pension from a previous position.

The SBE is authorized to adopt rules implement the HCB program.

Teacher Rights

Present Situation

The Florida Constitution and Early Learning-20 Education Code contain a number of educator rights and protections.

Right-to-Work

The State Constitution provides that Florida is a right to work state; therefore, the right of an individual to work cannot be denied or abridged based on membership or non-membership in any employee organization.⁶⁹ As such, public employees⁷⁰ have the right to form, join, participate in, and be represented by an employee organization of their own choosing, or to refrain from forming, joining, participating in, or being represented by an employee organization.⁷¹

⁶⁹ FLA. CONST. art. I, s. 6, (1968).

⁷⁰ Section 447.203(3), F.S., defines “public employee” as any person employed by a public employer except, for example: Governor appointments; elected officials; agency heads; board or commission members; managerial employees; employees of the Florida Legislature; specified fruit or vegetable inspectors; employees of the Public Employees Relations Commission; and undergraduate students who perform part-time work at a state university.

⁷¹ Section 447.301(1) and (2), F.S. Section 447.203(11), F.S. An “employee organization” is any “labor organization, union, association, fraternal order, occupational or professional society, or group, however organized or constituted, which represents, or seeks to represent, any public employee or group of public employees concerning any matters relating to their employment relationship with a public employer.”

Teacher Liability

Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff must not be civilly or criminally liable for any action carried out in conformity with SBE and district school board rules regarding the control, discipline, suspension, and expulsion of students.⁷²

The SBE is required to adopt rules that outline the administrative standards for the use of reasonable force by school personnel to maintain a safe and orderly learning environment.⁷³

In addition, the FDOE is responsible for administering an educator liability insurance program to protect full-time instructional personnel from liability for monetary damages and the costs of defending actions resulting from claims made against the instructional personnel arising out of occurrences in the course of activities within the instructional personnel's professional capacity.⁷⁴ Liability coverage of at least \$2 million must be provided to all full-time instructional personnel and may be provided at cost to part-time instructional personnel, administrative personnel, and students enrolled in a state-approved teacher preparation program.⁷⁵

Access to Legal Services

Each district school board may provide legal services for officers and employees of the school board who are charged with civil or criminal actions arising out of and in the course of performance of assigned duties and responsibilities. The district school board must provide for reimbursement of reasonable expenses for legal services for such officers and employees who are charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities upon success defense by the employee or officer.⁷⁶

However, in any case in which the officer or employee pleads guilty or nolo contendere or is found guilty of any such action, the officer or employee must reimburse the district school board for any legal services with the school board may have supplied.⁷⁷

Discrimination

Discrimination on the basis of race, color, national origin, sex, disability, or marital status against a student or employee in the state system of public K-20 education is prohibited.⁷⁸

Florida law requires that no person shall, on the basis of race, color, national origin, sex, disability, religion, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.⁷⁹

⁷² Section 1012.75(1), F.S.

⁷³ Section 1012.75(2), F.S.

⁷⁴ Section 1012.75(3), F.S.

⁷⁵ *Id.*

⁷⁶ Section 1012.26, F.S.

⁷⁷ *Id.*

⁷⁸ Section 1000.05(2)(a), F.S and Rule 6A-10.081(2), F.A.C

⁷⁹ *Id.*

A person aggrieved by a violation of such discrimination has a right of action for such equitable relief as the court may determine and the course may award reasonable attorney's fees and court costs to the prevailing party.⁸⁰

Continuing Education

Through the School Community Professional Development Act, each district school board is required to develop a professional development system with the purpose of increasing student achievement, enhancing classroom instructional strategies, and prepare students for continuing education and the workforce.⁸¹ The system must be developed in consultation with teachers, teacher-educators of FCS and SUS institutions, business and community representatives, and local education foundations, consortia, and professional organizations, and be FDOE approved.⁸²

Authority of Teachers and Responsibility for Control of Students

Subject to law and to the rules of the district school board, each teacher or other member of the school staff have authority for the control and discipline of students and must keep order in the classroom and in other places in which he or she is assigned to be in charge of students.⁸³

In accordance with this authority and within the framework of the district school board's code of student conduct, teachers and other instructional personnel have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school and their opportunity to learn in an orderly and disciplined classroom, including:⁸⁴

- Establishing classroom rules of conduct.
- Establishing consequences, designed to change behavior, for infractions of classroom rules.
- Having disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students removed from the classroom for behavior management intervention, or directed for information or assistance from appropriate school or district school board personnel.
- Assisting in enforcing school rules on school property, during school-sponsored transportation, and during school-sponsored activities, and pressing charges if there is a reason to believe that a crime has been committed in such places or activities.
- Requesting and receiving:
 - Information as to the disposition of any referrals to the administration for violation of classroom or school rules.
 - Immediate assistance in classroom management if a student becomes uncontrollable or in case of emergency.
 - Training and other assistance to improve skills in classroom management, violence prevention, conflict resolution, and related areas.
- Using reasonable force, according to standards adopted by the SBE, to protect himself or herself or others from injury.

⁸⁰ Section 1000.05(9), F.S.

⁸¹ Section 1012.98(1) and (3), F.S.

⁸² Section 1012.98(4)(b), F.S.

⁸³ Section 1003.32, F.S.

⁸⁴ *Id.* at (1)(a)-(k).

- Using corporal punishment according to school board policy and required procedures, if a teacher feels that corporal punishment is necessary.

Education-related Disputes

The Commissioner of Education may appoint a special magistrate⁸⁵ to determine facts relating to an education-related dispute, consider information provided by all parties, and render a recommended decision for resolution to the SBE within a specified time. The SBE must approve or reject the recommended decision at its next regularly scheduled meeting.⁸⁶

Florida Standards Assessment and End-of-Course Assessments: Reporting of Results and Achievement Levels

To facilitate timely interventions and supports specified in law⁸⁷ results of the first two administrations of the coordinated screening and progress monitoring system in English Language Arts (ELA) and mathematics must be provided to a student's teacher within 1 week and to the student's parent within 2 weeks of the administration of the progress monitoring.⁸⁸

Effect of Proposed Changes

Teacher Rights

The bill presents Legislative findings to support the establishment of a clear set of rights for teachers in their profession and in the classroom. Accordingly, the bill creates chapter 1015 of the Florida Statutes to catalog many of the rights of teachers specified elsewhere in law regarding employment, continuing education, controlling the classroom, and directing classroom instruction. This is similar to the catalog of rights for K-12 students and parents.⁸⁹

The catalog reiterates that a teacher has a right to:

- Work regardless of union membership, pursuant to s. 447.301, F.S.
- Liability coverage pursuant to s. 1012.75, F.S.
- Reimbursement of specified legal services pursuant to s. 1012.26, F.S.
- Be free from discrimination pursuant to s. 1000.05, F.S.
- Earn an educator certificate through multiple pathways pursuant to s. 1012.56, F.S..
- A continuing education pursuant to ss. 1012.98, F.S. and 1009.26, F.S.
- Control his or her classroom pursuant to s. 1003.32, F.S.
- Receive student assessment data in a timely manner pursuant to s. 1008.25, F.S.

⁸⁵ "Special Magistrate" means an administrative law judge provided by the Division of Administrative Hearings under Section 120.65(6), F.S., or a person appointed by the Commissioner of Education who is a member of the Florida Bar in good standing with a minimum of five years of administrative law experience. Rule 6A-6.0791(2)(f), F.A.C.

⁸⁶ See Sections 1001.42(8)(c)7., F.S., and 1002.333(11)(c), F.S.

⁸⁷ Section 1008.25(4), F.S.

⁸⁸ Section 1008.25(8), F.S.

⁸⁹ See Section 1002.20, F.S. 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. These rights are restated under this section for ease of access for students and parents.

The bill reaffirms that a teacher has a right to direct his or her classroom instruction in accordance with general law and SBE rules.⁹⁰ The bill establishes a new state-level administrative process to protect a teacher who is directed to violate such laws or rules. The bill authorizes a teacher to request the Commissioner of Education appoint a specified special magistrate to determine the facts and render a recommended decision for resolution to the SBE within 30 days after receipt of the request.⁹¹ The SBE:

- Must approve or reject the special magistrate's recommended decision at its next scheduled board meeting and any costs of the special magistrate must be borne by the school district.
- May withhold the salary of the superintendent until the violation is corrected, if the school district is found in violation of general law or SBE rules.

The bill takes effect on July 1, 2023.

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.

⁹⁰ Section 1012.53, F.S.

⁹¹ Section 120.65, F.S. and Rule 6A-6.0791(2)(f), F.A.C.

C. Government Sector Impact:

The fiscal impact of the bill is indeterminate at this time.

Without state funding, the inclusion of a fee waiver for those enrolling in a state-approved Teacher Preparation Program and fee waivers for continuing education for teachers, would be a revenue loss to the post-secondary institution.

There could be a significant impact to general revenue for the Florida Department of Education (FDOE) to implement the Dual Enrollment Educator Scholarship Program and provide exam and certification fee waivers for first responders. Without an Agency analysis, the amount is indeterminate.

There could also be a cost to the FDOE or additional full-time equivalent (FTE) positions needed to implement the Teacher Apprenticeship Program. The Teacher Apprenticeship Mentor bonus and sign on bonus for Heroes in the Classroom are subject to legislative appropriation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.20, 1009.26, 1012.56, and 1012.59.

This bill creates the following sections of the Florida Statutes: 1009.31, 1012.555, 1012.715, 1015.01, 1015.02, 1015.03, 1015.04, 1015.05, and 1015.06.

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.

By Senator Calatayud

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1 A bill to be entitled
 2 An act relating to K-12 teachers; amending s. 1001.20,
 3 F.S.; authorizing the Office of Inspector General
 4 within the Department of Education to investigate
 5 allegations and reports of suspected violations of
 6 certain persons' rights; amending s. 1009.26, F.S.;
 7 revising the courses eligible for a fee waiver;
 8 creating s. 1009.31, F.S.; establishing the Dual
 9 Enrollment Educator Scholarship Program; providing
 10 requirements for the department and the Board of
 11 Governors in administering the program; providing
 12 eligibility criteria for applicants; requiring
 13 scholarship recipients to agree to specified
 14 conditions; providing what the scholarship funds must
 15 cover; providing that funding for the program is
 16 contingent upon appropriation; requiring the State
 17 Board of Education to adopt rules; creating s.
 18 1012.555, F.S.; establishing the Teacher
 19 Apprenticeship Program; providing eligibility
 20 requirements for apprentice teachers; providing
 21 requirements for mentor teachers; providing that a
 22 mentor teacher may receive a bonus under specified
 23 conditions; providing that an apprenticeship classroom
 24 may exceed class size requirements up to a specified
 25 limit; authorizing the state board to adopt rules;
 26 amending s. 1012.56, F.S.; providing an additional
 27 means of demonstrating mastery of subject area
 28 knowledge; requiring the department to issue a
 29 temporary apprenticeship certificate under certain

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30 conditions; amending s. 1012.59, F.S.; waiving
 31 specified certification requirements for retired first
 32 responders; creating s. 1012.715, F.S.; establishing
 33 the Heroes in the Classroom Bonus Program; providing
 34 that a retired military veteran or first responder who
 35 becomes a full-time classroom teacher may receive a
 36 one-time bonus, subject to legislative appropriation;
 37 defining the terms "retired first responder" and
 38 "veteran"; providing eligibility requirements for the
 39 bonus; providing responsibilities for the department;
 40 providing responsibilities for the school district;
 41 authorizing the state board to adopt rules; creating
 42 ch. 1015, F.S., to be entitled "Teachers' Bill of
 43 Rights"; creating s. 1015.01, F.S.; providing a short
 44 title; creating s. 1015.02, F.S.; providing
 45 legislative findings; creating s. 1015.03, F.S.;
 46 providing that the right of certain employees to work
 47 may not be denied or abridged by specified actions;
 48 providing civil and criminal immunity for teachers
 49 under certain circumstances; providing that teachers
 50 have access to certain liability coverage under
 51 certain circumstances; providing that teachers may
 52 receive reimbursement of certain expenses under
 53 certain circumstances; providing that certain persons
 54 have the right to be free from discrimination and may
 55 bring actions for specified relief, fees, and costs;
 56 providing that teachers must be provided multiple
 57 pathways to earn an educator certificate; creating s.
 58 1015.04, F.S.; providing that teachers are guaranteed

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59 a coordinated system of professional development;
 60 providing that certain teachers may receive specified
 61 tuition and fee waivers; creating s. 1015.05, F.S.;
 62 authorizing teachers to control and discipline
 63 students in their classrooms and certain other places
 64 and to take specified actions; creating a rebuttable
 65 presumption for teachers under certain circumstances;
 66 creating s. 1015.06, F.S.; providing that teachers
 67 have the right to direct their classroom instruction;
 68 authorizing teachers to bring actions against school
 69 districts and request the appointment of a special
 70 magistrate under certain circumstances; providing
 71 requirements and responsibilities for such
 72 magistrates; providing requirements for the state
 73 board; providing that teachers have the right to
 74 receive certain data in a timely manner; providing an
 75 effective date.

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

78
 79 Section 1. Paragraph (e) of subsection (4) of section
 80 1001.20, Florida Statutes, is amended to read:

81 1001.20 Department under direction of state board.—

82 (4) The Department of Education shall establish the
 83 following offices within the Office of the Commissioner of
 84 Education which shall coordinate their activities with all other
 85 divisions and offices:

86 (e) *Office of Inspector General.*—Organized using existing
 87 resources and funds and responsible for promoting

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88 accountability, efficiency, and effectiveness and detecting
 89 fraud and abuse within school districts, the Florida School for
 90 the Deaf and the Blind, and Florida College System institutions
 91 in Florida. If the Commissioner of Education determines that a
 92 district school board, the Board of Trustees for the Florida
 93 School for the Deaf and the Blind, or a Florida College System
 94 institution board of trustees is unwilling or unable to address
 95 substantiated allegations made by any person relating to waste,
 96 fraud, or financial mismanagement within the school district,
 97 the Florida School for the Deaf and the Blind, or the Florida
 98 College System institution, the office must ~~shall~~ conduct,
 99 coordinate, or request investigations into such substantiated
 100 allegations. The office shall investigate allegations or reports
 101 of possible fraud or abuse against a district school board made
 102 by any member of the Cabinet; the presiding officer of either
 103 house of the Legislature; a chair of a substantive or
 104 appropriations committee with jurisdiction; or a member of the
 105 board for which an investigation is sought. The office may
 106 investigate allegations or reports of suspected violations of a
 107 student's, parent's, or teacher's rights. The office shall have
 108 access to all information and personnel necessary to perform its
 109 duties and shall have all of its current powers, duties, and
 110 responsibilities authorized in s. 20.055.

111 Section 2. Subsection (18) of section 1009.26, Florida
 112 Statutes, is amended to read:

113 1009.26 Fee waivers.—

114 (18) (a) For every course in a Program of Strategic
 115 Emphasis, as identified in subparagraph 3., or a state-approved
 116 teacher preparation program in which a student is enrolled, a

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117 state university shall waive 100 percent of the tuition and fees
 118 for an equivalent course in such program for a student who:

119 1. Is a resident for tuition purposes under s. 1009.21.
 120 2. Has earned at least 60 semester credit hours towards a
 121 baccalaureate degree within 2 academic years after initial
 122 enrollment at a Florida public postsecondary institution.

123 3. Enrolls in one of 10 Programs of Strategic Emphasis as
 124 adopted by the Board of Governors or a state-approved teacher
 125 preparation program. The Board of Governors shall adopt eight
 126 Programs of Strategic Emphasis in science, technology,
 127 engineering, or math and, beginning with the 2022-2023 academic
 128 year, two Programs of Strategic Emphasis in the critical
 129 workforce gap analysis category for which a student may be
 130 eligible to receive the tuition and fee waiver authorized by
 131 this subsection. The programs identified by the board must
 132 reflect the priorities of the state and be offered at a majority
 133 of state universities.

134 (b) A waiver granted under this subsection is applicable
 135 only for upper-level courses and up to 110 percent of the number
 136 of required credit hours of the baccalaureate degree program for
 137 which the student is enrolled.

138 (c) Upon enrollment in a Program of Strategic Emphasis or a
 139 state-approved teacher preparation program, the tuition and fees
 140 waived under this subsection must be reported for state funding
 141 purposes under ss. 1009.534 and 1009.535 and must be disbursed
 142 to the student. The amount disbursed to the student ~~must shall~~
 143 be equal to the award amount the student has received under s.
 144 1009.534(2) or s. 1009.535(2).
 145 (d) Each state university shall report to the Board of

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146 Governors the number and value of all waivers granted annually
 147 under this subsection. A state university in compliance with
 148 this subsection may earn incentive funding, subject to
 149 appropriation, in addition to the funding provided under s.
 150 1001.92.

151 (e) The Board of Governors shall adopt regulations to
 152 administer this subsection.

153 Section 3. Section 1009.31, Florida Statutes, is created to
 154 read:

155 1009.31 Dual Enrollment Educator Scholarship Program.—
 156 (1) The Dual Enrollment Educator Scholarship Program is
 157 established to assist teachers in grades 9-12 in public schools
 158 in this state in obtaining the graduate degree and credentials
 159 necessary to provide dual enrollment coursework directly to
 160 students on the campuses of such schools.

161 (2) The Department of Education shall:

162 (a) Administer the scholarship program in accordance with
 163 rules adopted by the State Board of Education.

164 (b) In consultation with the Board of Governors, identify
 165 graduate-level degree programs offered at state universities
 166 which meet accrediting agency requirements for teaching general
 167 education core courses, as identified in s. 1007.25. The
 168 department shall provide the list of approved degree programs to
 169 school districts and post it on its website.

170 (c) In consultation with the Board of Governors, identify
 171 qualified degree programs that are available entirely online.

172 (d) Identify and prioritize districts for participation in
 173 the scholarship program based on each district's ratio of
 174 students from low-income and moderate-income households, the

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175 availability of dual enrollment courses in the district, and the
 176 geographic proximity of high schools in the district to
 177 participating postsecondary institutions.

178 (e) Prioritize scholarship program applicants who are
 179 currently enrolled in an approved graduate program at a state
 180 university.

181 (f) Identify school districts with the highest need for
 182 teachers, as described in subsection (1), in which participants
 183 completing the scholarship program may teach to satisfy the
 184 requirement imposed by subparagraph (4)(a)3.

185 (3) A scholarship applicant must satisfy the following
 186 eligibility criteria:

187 (a) Be a certified teacher in grades 9-12 in a public
 188 school in this state.

189 (b) Be accepted into, or currently enrolled in, an approved
 190 graduate program in a subject within his or her area of
 191 certification, as identified pursuant to paragraph (2)(b).

192 (4)(a) As a condition of receiving a scholarship, the
 193 recipient must agree to do all of the following:

194 1. Complete the graduate degree program and additional
 195 required credentials within 3 academic years of the initial
 196 award.

197 2. Upon completion of the degree, teach at least one
 198 general education core course, as identified in s. 1007.25, per
 199 semester at a public school mutually agreed upon by the school
 200 district and the postsecondary institution. The recipient may
 201 teach additional courses at the school upon the approval of the
 202 school district and the postsecondary institution.

203 3. Remain in his or her district, or an eligible district

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204 as identified by the Department of Education, as a certified
 205 classroom teacher for at least 3 school years after completion
 206 of his or her degree.

207 (b) A scholarship recipient who does not complete an
 208 identified degree, or who does not complete at least 3 school
 209 years of service after the completion of an identified degree,
 210 must repay the amount of the scholarship to the Department of
 211 Education on a schedule determined by the department. The
 212 department may provide the teacher additional time to meet his
 213 or her service requirement if the department finds that
 214 circumstances beyond the control of the teacher caused or
 215 contributed to his or her failure to complete the degree or meet
 216 the service requirement.

217 (5) The scholarship must cover the full cost of tuition and
 218 fees, including a book stipend each semester, required to
 219 complete the teacher's program.

220 (6) Funding for the Dual Enrollment Educator Scholarship
 221 Program is contingent upon the appropriation of funds in the
 222 General Appropriations Act.

223 (7) The State Board of Education shall adopt rules to
 224 implement this section.

225 Section 4. Section 1012.555, Florida Statutes, is created
 226 to read:

227 1012.555 Teacher Apprenticeship Program.—

228 (1) The Teacher Apprenticeship Program is established to
 229 create an alternative pathway for individuals to enter the
 230 teaching profession. The Department of Education shall
 231 administer the program in accordance with s. 446.011.

232 (2)(a) An individual must meet the following minimum

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233 eligibility requirements to participate in the apprenticeship
 234 program:

235 1. Have received an associate degree from an accredited
 236 postsecondary institution.

237 2. Have earned a cumulative grade point average of 3.0 in
 238 that degree program.

239 3. Have successfully passed a background screening as
 240 provided in s. 1012.32.

241 4. Have received a temporary apprenticeship certificate as
 242 provided in s. 1012.56(7)(d).

243 (b) As a condition of participating in the program, an
 244 apprentice teacher must commit to spending the first 2 years in
 245 the classroom of a mentor teacher using team teaching strategies
 246 identified in s. 1003.03(5)(b) and fulfilling the on-the-job
 247 training component of the registered apprenticeship and its
 248 associated standards.

249 (c) An apprentice teacher must do both of the following:

250 1. Complete 2 years in an apprenticeship before being
 251 eligible to apply for a professional certificate established in
 252 s. 1012.56(7)(a). Completion of the Teacher Apprenticeship
 253 Program does not exempt an apprentice teacher from the
 254 requirements of s. 1012.56(2)(c).

255 2. Receive related instruction as provided in s. 446.051.

256 (d) An apprentice teacher must be appointed by the district
 257 school board as an education paraprofessional and must be paid
 258 in accordance with s. 446.032 and rules adopted by the State
 259 Board of Education.

260 (e) An apprentice teacher may change schools or districts
 261 after the first year of his or her apprenticeship if the hiring

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262 school or district has agreed to fund the remaining year of the
 263 apprenticeship.

264 (3) A teacher who serves as a mentor in the apprenticeship
 265 program shall mentor his or her apprentice teacher using team
 266 teaching strategies and must, at a minimum, meet all of the
 267 following requirements:

268 (a) Have at least 7 years of teaching experience in this
 269 state.

270 (b) Have received an aggregate score of highly effective on
 271 the three most recent available value-added model (VAM) scores,
 272 as used by the department, or have received an aggregate score
 273 of highly effective on the three most recent available
 274 performance evaluations if the teacher does not generate a state
 275 VAM score.

276 (c) Satisfy any other requirements established by the
 277 department.

278 (4) Subject to legislative appropriation, a teacher who
 279 serves as a mentor in the apprenticeship program may receive a
 280 bonus, as specified in this subsection. If such funding is
 281 available:

282 (a) The district school board must pay a teacher who serves
 283 as a mentor 50 percent of the bonus amount upon completion of
 284 the first year of the apprenticeship.

285 (b) The district school board must pay a teacher who serves
 286 as a mentor the remainder of the bonus at the conclusion of the
 287 apprenticeship if:

288 1. The teacher successfully guides his or her apprentice to
 289 completion of the apprenticeship program;

290 2. Upon completion of the apprenticeship program, his or

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291 her apprentice is hired by a school district or charter school
 292 in this state; and

293 3. The teacher meets any additional requirements imposed by
 294 state board rule.

295 (5) A class in which an apprenticeship is conducted may
 296 exceed the class size limitation imposed in s. 1003.03(1) up to
 297 1.5 times the allowable number of students under that
 298 subsection.

299 (6) The State Board of Education may adopt rules to
 300 implement this section.

301 Section 5. Present paragraphs (d) and (e) of subsection (7)
 302 of section 1012.56, Florida Statutes, are redesignated as
 303 paragraphs (e) and (f), respectively, a new paragraph (d) is
 304 added to that subsection, and present paragraph (e) of that
 305 subsection is amended, and subsection (5) of that section is
 306 amended, to read:

307 1012.56 Educator certification requirements.—

308 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Each of the
 309 following is an acceptable means of demonstrating mastery of
 310 subject area knowledge ~~are~~:

311 (a) For a subject requiring only a baccalaureate degree for
 312 which a Florida subject area examination has been developed,
 313 achievement of a passing score on the Florida-developed subject
 314 area examination specified in state board rule.~~+~~

315 (b) For a subject for which a Florida subject area
 316 examination has not been developed, achievement of a passing
 317 score on a standardized examination specified in state board
 318 rule, including, but not limited to, passing scores on both the
 319 oral proficiency and written proficiency examinations

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320 administered by the American Council on the Teaching of Foreign
 321 Languages.~~+~~

322 (c) For a subject for which a Florida subject area
 323 examination has not been developed or a standardized examination
 324 has not been specified in state board rule, completion of the
 325 subject area specialization requirements specified in state
 326 board rule and verification of the attainment of the essential
 327 subject matter competencies by the district school
 328 superintendent of the employing school district or chief
 329 administrative officer of the employing state-supported or
 330 private school.~~+~~

331 (d) For a subject requiring a master's or higher degree,
 332 completion of the subject area specialization requirements
 333 specified in state board rule and achievement of a passing score
 334 on the Florida-developed subject area examination or a
 335 standardized examination specified in state board rule.~~+~~

336 (e) Documentation of a valid professional standard teaching
 337 certificate issued by another state.~~+~~

338 (f) Documentation of a valid certificate issued by the
 339 National Board for Professional Teaching Standards or a national
 340 educator credentialing board approved by the State Board of
 341 Education.~~+~~

342 (g) Documentation of successful completion of a United
 343 States Defense Language Institute Foreign Language Center
 344 program.~~+~~~~or~~

345 (h) Documentation of a passing score on the Defense
 346 Language Proficiency Test (DLPT).

347 (i) For a subject requiring only a baccalaureate degree for
 348 which a Florida subject area examination has been developed,

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349 documentation of receipt of a master's degree or higher from an
 350 accredited postsecondary educational institution that the
 351 Department of Education has identified as having a quality
 352 program resulting in a baccalaureate degree or higher in the
 353 certificate subject area as identified by state board rule.

354
 355 School districts are encouraged to provide mechanisms for middle
 356 grades teachers holding only a K-6 teaching certificate to
 357 obtain a subject area coverage for middle grades through
 358 postsecondary coursework or district add-on certification.

359 (7) TYPES AND TERMS OF CERTIFICATION.—

360 (d) The department shall issue a temporary apprenticeship
 361 certificate to any applicant who:

362 1. Meets the requirements of paragraphs (2)(a), (b), (d),
 363 (e), and (f).

364 2. Completes the subject area content requirements
 365 specified in state board rule or demonstrates mastery of subject
 366 area knowledge as provided in subsection (5).

367 (f)(e)1. A temporary certificate issued under subparagraph
 368 (b)1. is valid for 3 school fiscal years and is nonrenewable.

369 2. A temporary certificate issued under subparagraph (b)2.
 370 is valid for 5 school fiscal years, is limited to a one-time
 371 issuance, and is nonrenewable.

372 3. A temporary apprenticeship certificate issued under
 373 paragraph (d) is valid for 5 school years, may be issued only
 374 once, and is nonrenewable.

375
 376 At least 1 year before an individual's temporary certificate is
 377 set to expire, the department shall electronically notify the

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378 individual of the date on which his or her certificate will
 379 expire and provide a list of each method by which the
 380 qualifications for a professional certificate can be completed.
 381 The State Board of Education shall adopt rules to allow the
 382 department to extend the validity period of a temporary
 383 certificate for 2 years when the requirements for the
 384 professional certificate were not completed due to the serious
 385 illness or injury of the applicant, the military service of an
 386 applicant's spouse, other extraordinary extenuating
 387 circumstances, or if the certificateholder is rated highly
 388 effective in the immediate prior year's performance evaluation
 389 pursuant to s. 1012.34 or has completed a 2-year mentorship
 390 program pursuant to subsection (8). The department shall extend
 391 the temporary certificate upon approval by the Commissioner of
 392 Education. A written request for extension of the certificate
 393 shall be submitted by the district school superintendent, the
 394 governing authority of a university lab school, the governing
 395 authority of a state-supported school, or the governing
 396 authority of a private school.

397 Section 6. Paragraph (d) is added to subsection (3) of
 398 section 1012.59, Florida Statutes, to read:

399 1012.59 Certification fees.—

400 (3) The State Board of Education shall waive initial
 401 general knowledge, professional education, and subject area
 402 examination fees and certification fees for:

403 (d) A retired first responder, which includes a law
 404 enforcement officer as defined in s. 943.10(1), a firefighter as
 405 defined in s. 633.102(9), or an emergency medical technician or
 406 paramedic as defined in s. 401.23.

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407 Section 7. Section 1012.715, Florida Statutes, is created
408 to read:

409 1012.715 Heroes in the Classroom Bonus Program.—

410 (1) PURPOSE.—Subject to legislative appropriation, the
411 Department of Education must provide a one-time sign-on bonus,
412 as provided in the General Appropriations Act, to retired first
413 responders and veterans who commit to joining the teaching
414 profession as a full-time classroom teacher. A retired first
415 responder or veteran may receive an additional bonus for
416 teaching a course in a critical teacher shortage area as defined
417 in s. 1012.07.

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

419 (a) "Retired first responder" means an individual who can
420 document his or her full retirement as a law enforcement officer
421 as defined in s. 943.10(1), a firefighter as defined in s.
422 633.102(9), or an emergency medical technician or paramedic as
423 defined in s. 401.23.

424 (b) "Veteran" has the same meaning as defined in s.
425 1.01(14).

426 (3) ELIGIBILITY.—To be eligible to receive a bonus under
427 this section, an individual must:

428 (a) As applicable, document that he or she has not been the
429 subject of any disciplinary action during the most recent 5
430 years of his or her employment. For purposes of this paragraph,
431 the term "disciplinary action" includes suspensions, dismissals,
432 and involuntary demotions associated with disciplinary actions;

433 (b) Document his or her honorable discharge from the
434 military;

435 (c) Document receipt of a professional certificate or

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436 temporary certificate under s. 1012.56(7) (a) and (b)1.,
437 respectively; and

438 (d) Commit to maintaining employment with the district or
439 charter school for a minimum of 2 school years.

440 (4) DEPARTMENT DUTIES.—The Department of Education shall
441 administer the bonus program. At a minimum, the department
442 shall:

443 (a) Establish a method for determining the estimated number
444 of eligible military veterans and first responders hired in the
445 applicable fiscal year.

446 (b) Establish additional minimum criteria necessary to
447 receive the bonus.

448 (c) Establish an estimated cost to the department
449 associated with developing and administering the program.

450 (d) Establish a method by which a teacher must reimburse
451 the state if he or she receives the bonus payment under the
452 program but fails to maintain continuous employment for the
453 required 2-year school period.

454 (e) Identify critical teacher shortage areas in which a
455 military veteran or retired first responder who teaches may be
456 eligible for an additional bonus.

457 (5) DISTRICT DUTIES.—A school district that hires eligible
458 participants must:

459 (a) Provide any necessary information requested by the
460 department.

461 (b) Notify, in a manner established by the department,
462 eligible employees for whom such employment may impact their
463 pension from a previous position.

464 (6) RULES.—The State Board of Education may adopt rules to

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465 implement this section.

466 Section 8. Chapter 1015, Florida Statutes, consisting of
 467 ss. 1015.01-1015.06, Florida Statutes, is created and entitled
 468 "Teachers' Bill of Rights."

469 Section 9. Section 1015.01, Florida Statutes, is created to
 470 read:

471 1015.01 Short title.—This section and ss. 1015.02-1015.06
 472 may be cited as the "Teachers' Bill of Rights."

473 Section 10. Section 1015.02, Florida Statutes, is created
 474 to read:

475 1015.02 Legislative findings.—The Legislature finds that
 476 education is critically important in the development of children
 477 in this state. The Legislature additionally recognizes the
 478 supreme importance of having high-quality teachers in the
 479 classroom. Further, the Legislature finds it is necessary to
 480 establish a clear set of rights for teachers regarding their
 481 profession and classrooms.

482 Section 11. Section 1015.03, Florida Statutes, is created
 483 to read:

484 1015.03 Rights of employment.—

485 (1) Pursuant to s. 447.301 and s. 6., Art. I of the State
 486 Constitution, the right of public employees, including teachers,
 487 to work may not be denied or abridged on account of membership
 488 or nonmembership in any labor union.

489 (2) (a) A teacher, except in cases of excessive force or
 490 cruel and unusual punishment, may not be held civilly or
 491 criminally liable for actions carried out in conformity with
 492 State Board of Education rules. Pursuant to s. 1012.75, a
 493 teacher shall have access to liability coverage, subject to the

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494 General Appropriations Act, through the educator liability
 495 insurance program.

496 (b) Pursuant to s. 1012.26, a teacher may receive a
 497 reimbursement of reasonable expenses for legal services from his
 498 or her school district if the teacher is charged with civil or
 499 criminal actions arising out of and in the course of the
 500 performance of assigned duties and responsibilities.

501 (3) All students and public K-20 educational institution
 502 employees, including teachers, have the right to be free from
 503 discrimination in public K-20 educational institutions. Pursuant
 504 to s. 1000.05, a person may bring an action for equitable
 505 relief, attorney fees, and court costs as determined by the
 506 court.

507 (4) Pursuant to s. 1012.56, teachers must be provided
 508 multiple pathways to earn an educator certificate.

509 Section 12. Section 1015.04, Florida Statutes, is created
 510 to read:

511 1015.04 Right to continuing education.—

512 (1) Teachers are guaranteed a coordinated system of
 513 professional development with the goals of increasing student
 514 achievement, enhancing classroom instruction, and preparing
 515 students for continuing their education or joining the
 516 workforce. Pursuant to s. 1012.98, the Department of Education,
 517 public postsecondary educational institutions, public school
 518 districts, public schools, state education foundations,
 519 consortia, and professional organizations must work
 520 collaboratively to provide a coordinated system of professional
 521 development.

522 (2) Pursuant to s. 1009.26(10), teachers employed by a

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 523 school district may receive a waiver for tuition and fees for up
 524 to 6 credit hours per term at a state university or Florida
 525 College System institution.

526 Section 13. Section 1015.05, Florida Statutes, is created
 527 to read:

528 1015.05 Right to control the classroom.-

529 (1) In accordance with state board rules and general law, a
 530 teacher has the authority to control and discipline students in
 531 his or her classroom and in other places in which the teacher is
 532 assigned to be in charge of students. Pursuant to s. 1003.32 and
 533 in order to provide an orderly and safe learning environment for
 534 students, a teacher may:

535 (a) Establish classroom rules of conduct.

536 (b) Establish and implement consequences, which are
 537 designed to change behavior, for infractions of classroom rules
 538 of conduct.

539 (c) Have disobedient, disrespectful, violent, abusive,
 540 uncontrollable, or disruptive students removed from the
 541 classroom for behavior management intervention.

542 (d) Have violent, abusive, uncontrollable, or disruptive
 543 students directed to appropriate school or district school board
 544 personnel for information and assistance.

545 (e) Assist in enforcing school rules on school property,
 546 during school-sponsored transportation, and during school-
 547 sponsored activities.

548 (f) Request and receive information relating to the
 549 disposition of any referrals to administration for a violation
 550 of classroom rules of conduct or school rules.

551 (g) Request and receive immediate assistance in classroom

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 552 management if a student becomes uncontrollable or in the case of
 553 an emergency.

554 (h) Request and receive training and other assistance to
 555 improve his or her skills in classroom management, violence
 556 prevention, conflict resolution, and related areas.

557 (i) Press charges if there is a reason to believe that a
 558 crime has been committed on school property, during school-
 559 sponsored transportation, or during school-sponsored activities.

560 (j) Use reasonable force, according to standards adopted by
 561 the State Board of Education, to protect himself or herself or
 562 others from injury.

563 (2) For purposes of this section, in cases in which a
 564 teacher faces litigation or professional practices sanctions for
 565 an action taken pursuant to subsection (1), there is a
 566 rebuttable presumption that a teacher was taking necessary
 567 action to restore or maintain the safety or educational
 568 atmosphere of his or her classroom.

569 Section 14. Section 1015.06, Florida Statutes, is created
 570 to read:

571 1015.06 Right to direct classroom instruction.-

572 (1) (a) In accordance with general law and State Board of
 573 Education rules, a teacher has the right to direct his or her
 574 classroom instruction. If a teacher is directed by his or her
 575 school district or school to violate general law or state board
 576 rules, he or she may request the Commissioner of Education to
 577 appoint a special magistrate who is a member of The Florida Bar
 578 in good standing and who has at least 5 years' experience in
 579 administrative law. The special magistrate shall determine facts
 580 relating to the dispute over the school district procedure or

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581 practice, consider information provided by the teacher and the
582 school district, and render a recommended decision for
583 resolution to the state board within 30 days after receipt of
584 the request by the teacher.

585 (b) The state board must approve or reject the special
586 magistrate's recommended decision at its next scheduled board
587 meeting. The costs of the special magistrate must be borne by
588 the school district.

589 (c) If the school district is found in violation of general
590 law or state board rules, the State Board of Education may
591 withhold the salary of the superintendent until the violation is
592 corrected.

593 (2) Pursuant to s. 1008.25, a teacher has the right to
594 receive student assessment data in a timely manner in order to
595 assist in instruction.

596 Section 15. This act shall take effect July 1, 2023.

3/6/23

Meeting Date

The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 244

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Alice Kerce (pierce but with a "k") Phone 904 252 0405

Address 215 S Monroe St Suite 710 Email alice@afloridapromise.org
Street

Tallahassee FL 32301
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:
The Foundation for Florida's Future

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

CourtSmart Tag Report

Room: KB 412

Case No.: -

Type:

Caption: Senate Education Pre-K-12 Committee

Judge:

Started: 3/6/2023 1:02:12 PM

Ends: 3/6/2023 2:15:39 PM Length: 01:13:28

1:02:12 PM Meeting called to order, roll call
1:02:29 PM Quorum is present
1:02:47 PM Chair Simon makes opening remarks
1:03:13 PM Tab 2- SB 244, K-12 Teachers by Senator Calatayud
1:03:27 PM Chair Simon recognizes Senator Calatayud
1:03:30 PM Senator Calatayud explains the bill
1:06:42 PM Chair Simon reads cards waiving in support
1:07:05 PM Chair Simon recognizes Senator Calatayud
1:07:16 PM Senator Calatayud to close on the bill
1:07:39 PM Roll call on SB 244
1:08:19 PM Chair reports the bill
1:08:25 PM Tab 4- 308, Interscholastic and Intrascholastic Activities by Senator Collins
1:08:33 PM Chair Simon moves to the amendment
1:08:34 PM Amendment 2739934
1:08:52 PM Senator Collins explains the amendment
1:09:54 PM Questions:
1:09:55 PM Senator Osgood
1:10:40 PM Senator Jones
1:10:56 PM Chair Simon
1:11:45 PM Chair Simon recognizes appearance cards
1:11:59 PM Bob Scheider, Lighthouse Private Christian Academy
1:15:28 PM Mark Marsala, Sunshine State Athletic Conference
1:18:32 PM Chalinus Thomas
1:23:08 PM Richard Finlayson
1:26:40 PM Craig Damon, Executive Director of FHSAA
1:31:39 PM Amendment 752330
1:31:47 PM Senator Grall explains the amendment
1:32:26 PM Senator Grall waives close
1:32:30 PM Chair Simon reports the amendment
1:33:08 PM Senator Collins waives close
1:33:15 PM Chair Simon reports amendment
1:33:24 PM Questions:
1:33:29 PM Senator Osgood
1:33:46 PM Senator Collins
1:34:00 PM Senator Osgood
1:35:19 PM Senator Collins
1:35:58 PM Senator Osgood
1:36:10 PM Senator Collins
1:36:48 PM Senator Osgood
1:37:45 PM Senator Collins
1:38:06 PM Senator Jones
1:38:26 PM Senator Collins
1:38:45 PM Senator Berman
1:38:58 PM Senator Collins
1:39:22 PM Senator Berman
1:39:45 PM Senator Collins
1:40:16 PM Senator Berman
1:40:26 PM Senator Collins
1:40:40 PM Senator Berman
1:40:53 PM Senator Collins
1:41:25 PM Debate:
1:41:27 PM Senator Berman

1:42:07 PM Senator Osgood
1:43:18 PM Senator Jones
1:44:23 PM Chair Simon recognizes Senator Collins
1:44:32 PM Senator Collins closes on the bill
1:46:20 PM Roll call on SB 308
1:46:55 PM Chair Simon reports the bill
1:47:05 PM Tab 5- SB 478, Early Childhood Music Education Incentive Program by Senator Perry
1:47:15 PM Chair Simon recognizes Senator Perry
1:47:17 PM Senator Perry explains the bill
1:49:33 PM Chair Simon reads cards waiving in support
1:49:53 PM Debate:
1:49:55 PM Senator Berman
1:50:13 PM Senator Calatayud
1:50:52 PM Senator Osgood
1:51:34 PM Senator Perry closes on the bill
1:52:19 PM Roll call on SB 478
1:52:44 PM Chair Simon reports the bill
1:52:51 PM Chair Simon passes the Chair to Senator Hutson
1:53:00 PM Tab 6- SB 636, Individual Education Plans by Senator Simon
1:53:08 PM Senator Simon explains the bill
1:54:05 PM Amendment 628398
1:54:11 PM Senator Simon explains the amendment
1:54:31 PM Chair Hutson reports the amendment
1:54:53 PM Chair Hutson recognizes appearance cards
1:55:14 PM Olivia Babis, Disability Rights Florida
1:57:10 PM Chair Hutson reads cards waiving in support
1:57:46 PM Senator Simon waives close
1:57:52 PM Roll call on SB 636
1:58:18 PM Chair Hutson reports the bill
1:58:22 PM Chair Hutson turns the chair back to Chair Simon
1:58:28 PM Tab 1, SB 196- Guidance Services on Academic and Career Planning by Senator Jones
1:58:34 PM Senator Jones explains the bill
1:59:37 PM Chair Simon reads appearance cards waiving in support
2:00:05 PM Debate:
2:00:08 PM Senator Yarborough
2:01:32 PM Chair Simon
2:04:51 PM Senator Jones closes on the bill
2:05:47 PM Roll call on SB 196
2:06:12 PM Chair Simon reports the bill
2:06:16 PM Tab 3- SB 294, Required Instruction in the History of Asian Americans and Pacific Islanders by Senator Rodriguez
2:06:29 PM Senator Rodriguez explains the bill
2:07:44 PM Questions:
2:07:46 PM Senator Berman
2:08:16 PM Senator Rodriguez
2:08:48 PM Senator Berman
2:09:09 PM Senator Rodriguez
2:09:29 PM Chair Simon recognizes appearance cards
2:09:36 PM Sarah Li-Cain
2:10:41 PM Chair Simon reads appearance cards waiving in support
2:11:12 PM Debate:
2:11:15 PM Senator Berman
2:11:56 PM Senator Osgood
2:13:21 PM Senator Rodriguez closes on the bill
2:13:57 PM Roll call on SB 294
2:14:21 PM Chair Simon reports the bill
2:14:34 PM Senator Berman moves to record a missed vote
2:14:48 PM Senator Burgess moves to record a missed vote
2:14:56 PM Senator Avila moves to record a missed vote
2:15:08 PM Senator Perry moves to record a missed vote
2:15:25 PM Senator Collins moves to adjourn
2:15:30 PM Meeting adjourned