

Tab 1	SPB 7000 by ED ; Deregulation of Public Schools/Instructional, Administrative, and Support Personnel
Tab 2	SPB 7002 by ED ; Deregulation of Public Schools/School District Finance and Budgets, Facilities, and Administration and Oversight
Tab 3	SPB 7004 by ED ; Deregulation of Public Schools/Assessment and Accountability, Instruction, and Education Choice

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

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

MEETING DATE: Wednesday, November 15, 2023
TIME: 2:00—4:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
-----	-------------------------	--	------------------

Consideration of proposed bill:

1	SPB 7000	Deregulation of Public Schools/Instructional, Administrative, and Support Personnel; Requiring innovation schools of technology to comply with specified provisions of law relating to instructional multiyear contracts for instructional personnel in addition to annual contracts; requiring newly hired prekindergarten instructors to complete specified training within a specified timeframe; requiring the State Board of Education to develop written strategies to address critical teacher shortages; revising requirements for school bus drivers; revising requirements for individuals to participate in the Teacher Apprenticeship Program, etc.	Submitted and Reported Favorably as Committee Bill Yeas 8 Nays 0
---	-----------------	---	---

(Preliminary Draft Available - final draft will be made available at least 48 hours prior to the meeting)

Consideration of proposed bill:

2	SPB 7002	Deregulation of Public Schools/School District Finance and Budgets, Facilities, and Administration and Oversight; Providing that district school boards are not subject to certain rule requirements under certain circumstances; requiring a district school board to advertise its intent to adopt a tentative budget on a publicly available website if it does not advertise such intent in a newspaper of general circulation; requiring district school boards to provide personnel access to facilities for emergency management, rather than staffing such facilities; revising requirements for signage that must be posted on certain school buses; requiring the Department of Education to annually inform district school superintendents that they may petition to receive a specified declaratory statement, etc.	Submitted and Reported Favorably as Committee Bill Yeas 8 Nays 0
---	-----------------	--	---

(Preliminary Draft Available - final draft will be made available at least 48 hours prior to the meeting)

Consideration of proposed bill:

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K -12

Wednesday, November 15, 2023, 2:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SPB 7004	Deregulation of Public Schools/Assessment and Accountability, Instruction, and Education Choice; Revising how often a school district or charter school must update its school capacity determination; deleting a requirement for the Commissioner of Education to provide for an annual comparative evaluation of charter technical career centers and public technical centers; deleting a requirement regarding assessment procedures for Department of Juvenile Justice education programs; deleting a requirement for the Commissioner of Education to review specified feedback reports and submit findings to the State Board of Education, etc.	Submitted and Reported Favorably as Committee Bill Yeas 9 Nays 0
(Preliminary Draft Available - final draft will be made available at least 48 hours prior to the meeting)			

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: SPB 7000

INTRODUCER: Education Pre-K -12 Committee

SUBJECT: Deregulation of Public Schools/Instructional, Administrative, and Support Personnel

DATE: November 16, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Palazesi/Sabitsch/ Jahnke	Bouck		ED Submitted as Comm. Bill/Fav

I. Summary:

SPB 7000 builds on the deregulation of public schools provisions in House Bill 1 (Ch. 2023-16, Laws of Fla.) and provides to school districts additional authority related to teacher certification and training, instructor contracts and salary schedules, personnel evaluations, and collective bargaining. Specifically, the bill:

- Modifies school personnel initial and continuing requirements by:
 - Establishing a 10-year renewable professional certificate for teachers rated highly effective in 4 years of the 5-year validity period of their professional certificate.
 - Providing an option for a reduction in the renewal requirements for highly effective teachers on their initial 5-year professional certificate.
 - Authorizing school districts or consortiums to issue temporary certificates.
 - Providing an additional method for a teacher on a temporary certificate to demonstrate mastery of general knowledge.
 - Expanding eligibility requirements for the teacher apprenticeship program.
 - Specifying that a teacher certified in exceptional student education is considered in-field if he or she is teaching exceptional students in a self-contained classroom.
 - Allowing the Florida Institute for Charter School Innovation to develop a professional learning system.
 - Providing teachers with a valid professional certificate who taught at a private school and returned to the school district can extend the expiration date of their professional certificate, up to a maximum of 3 years.
 - Allowing prekindergarten instructors 30 days after hire to complete the required emergency literacy courses.
 - Providing authority to the district school boards to adopt requirements for school bus drivers and bus attendants.
- Modifies how school districts may recruit, hire, manage, pay, and evaluate teachers by:
 - Removing restrictions related to comparable educator salary adjustments.
 - Creating a three-year-maximum instructional multiyear contract that may be awarded if certain criteria are met.

- Requiring the State Board of Education to develop and publish strategies relating to critical teacher shortage areas.
- Providing greater authority to district school boards in determining personnel evaluations, but requires that at least half of the evaluation must be based upon student performance.
- Providing flexibility in the assignment of inexperienced teachers at schools in need of interventions and support.
- Prohibiting the use of value-added model as the sole determinant for any incentive pay for instructional personnel or school administrators.
- Providing that specified policies for which collective bargaining may not preclude or limit school district activities.

The bill takes effect on July 1, 2024.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

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 to demonstrate an acceptable level of professional performance.¹ 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 Department of Education (DOE).²

The State Board of Education (SBE or state board) designates the certification subject areas, establishes competencies, and adopts rules by which educator certificates are issued by the DOE to qualified applicants.³

General Eligibility

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.⁴

¹ Section 1012.54, F.S.

² Sections 1012.55(1) and 1002.33(12) (f), F.S.

³ Section 1012.55(1) (a), F.S.

⁴ 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:⁵

- General knowledge.
- Subject area knowledge.
- Professional preparation and education competence.

Acceptable means of demonstrating mastery of general knowledge include:⁶

- Achievement of passing scores on the general knowledge examination;
- Documentation of a valid professional standard teaching certificate issued by another state;
- Documentation of a valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the SBE;
- Documentation of two semesters of successful, full-time or part-time teaching in a Florida College System institution, state university, or private college or university that meets certain criteria;
- Achievement of passing scores on national or international examinations with comparable verbal, writing, quantitative reasoning, and rigor as the general knowledge exam, including but not limited to Graduate Record Examination; or
- Documentation of receipt of a master's or higher degree from an accredited postsecondary educational institution that the DOE has identified as having a quality program resulting in a baccalaureate degree or higher.

A school district that employs an individual who does not achieve passing scores on any subtest of the general knowledge examination must provide information regarding the availability of state-level and district-level supports and instruction to assist him or her in achieving a passing score. The requirement of mastery of general knowledge must be waived for an individual who has been provided 3 years of supports and instruction and who has been rated effective or highly effective for each of the last 3 years.⁷

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.⁸

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.⁹

⁵ Section 1012.56(2) (g)-(i), F.S.

⁶ Section 1012.56(3), F.S.

⁷ Section 1012.56(3), F.S. (flush left)

⁸ Section 1012.56(5), F.S., and Rule 6A-4.002(4), F.A.C.

⁹ Florida Department of Education, *Competencies and Skills Required for Teacher Certification in Florida*, incorporated by reference in rule 6A-4.0021, F.A.C.

Other means include a valid certification from another state, postsecondary teaching experience, or completion of a professional learning certification program.¹⁰

For the renewal of a professional certificate, applicants must earn a minimum of 6 college credits or 120 inservice points or a combination thereof, which must include at least 1 college credit or 20 inservice points in teaching students with disabilities. All renewal credits must be earned during the validity period and prior to the expiration date of the current Professional Certificate.¹¹ In lieu of college credit or inservice points, applicants may renew a subject area specialization by passing a state board approved Florida-developed subject area examination.¹²

Applicants who hold a professional certificate in any area of certification identified by SBE rule that includes reading instruction or intervention for any students in kindergarten through grade 6, with a beginning validity date of July 1, 2020, or thereafter, must earn a minimum of 2 college credits or 40 inservice points in evidence-based instruction and interventions grounded in the science of reading.¹³

Temporary Educator Certificate

A temporary teaching certificate is valid for five school fiscal years and is nonrenewable.¹⁴ The DOE is required to issue a temporary certificate to a qualifying applicant within 14 calendar days after receipt of a request from an employer and is required to electronically notify the applicant's employer that the temporary certificate has been issued and provide the applicant an official statement of status of eligibility at the time the certificate is issued.¹⁵

The DOE must issue a temporary certificate to any applicant who:¹⁶

- 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 DOE at the level required for the subject area specialization in SBE rule.

A person 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:¹⁷

- Hold a valid professional certificate;
- Have earned at least 3 years of teaching experience in prekindergarten through grade 12; and

¹⁰ Section 1012.56(6), F.S.

¹¹ Section 1012.585(3), F.S. and Florida Department of Education, *Florida Educator Certification Renewal Requirements*, <https://www.fldoe.org/teaching/certification/renewal-requirements/> (last visited Nov. 6, 2023).

¹² Section 1012.585(3) (b), F.S.

¹³ Section 1012.585(3) (f), F.S. The evidence-based instruction and interventions grounded in the science of reading must be specifically designed for students with characteristics of dyslexia, including the use of explicit, systematic, and sequential approaches to reading instruction, developing phonological and phonemic awareness, decoding, and implementing multisensory intervention strategies.

¹⁴ Section 1012.56(7), F.S.

¹⁵ Section 1012.56(1) (b), F.S.

¹⁶ Section 1012.56(7) (b) and (d), F.S. As specified in law, alternative pathways for a temporary certificate are available for military service members and participants in the Teacher Apprenticeship Program.

¹⁷ Section 1012.56(7), F.S.

- 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.¹⁸

Effect of Proposed Changes

The bill modifies s. 1012.56, F.S., by authorizing school districts or a consortium of school districts¹⁹ to issue a temporary certificate and requires the DOE to adopt reporting requirements regarding the award of such certificates. Additionally, the bill provides an additional pathway for teachers to demonstrate mastery of general knowledge. The bill specifies that a teacher who has been rated effective or highly effective in each year of the temporary certification satisfies the general knowledge requirement.

The bill modifies educator certification requirements in s. 1012.585, F.S., by:

- Establishing an additional professional certificate with a 10-year validity period. Teachers must have been awarded at least one 5-year professional certificate and must have been rated highly effective in at least 4 years of the 5-year validity period of his or her professional certificate. The bill specifies that teachers rated effective or highly effective for the entirety of the 10-year validity period of his or her professional certificate are eligible to renew the 10-year professional certificate, and must earn a minimum of 9 college credits or 180 inservice points or a combination thereof to renew the 10-year professional certificate. A teacher who does not meet the initial or renewal requirements for a 10-year professional certificate may be awarded a 5-year professional certificate.
- Authorizing district school boards to reduce the renewal requirements for teachers on their initial 5-year professional certificate by 1 credit or 20 inservice hours if the teacher has been rated highly effective in at least 3 years of the 5-year validity period of his or her initial professional certificate.
- Authorizing that teachers who taught at a private school during the 5-year validity period of his or her professional certificate and are now teaching in a school district can extend the expiration date of his or her professional certificate for a duration equivalent to the number of years taught at a private school, up to a maximum of 3 years, subject to specified documentation of employment and renewal requirements.

¹⁸ Florida Department of Education, *Upgrading from the Temporary to the Professional Certificate*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/moving-from-the-temporary-to-the-profe.stml> (last visited Nov. 6, 2023).

¹⁹ A consortium is a regional, non-profit, educational service agency established to provide cooperative services to small and rural member districts. The consortiums in Florida are the North East Florida Educational Consortium, Heartland Educational Consortium, and the Panhandle Area Educational Consortium.

Teacher Apprenticeship Program

Present Situation

In 2023, the legislature created the Teacher Apprenticeship Program (TAP).²⁰ The TAP was created as an alternative pathway for an individual to enter the teaching profession. The DOE is required administer the program in accordance with legislative intent regarding apprenticeship training²¹ provided for in law.

To meet the minimum eligibility requirements to participate in the TAP, a candidate must have:²²

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

As a condition of participating in the TAP, an apprentice teacher must be appointed by the district school board as an education paraprofessional and must commit to spending the first two years in the classroom of a mentor teacher using team teaching strategies as specified in law²³ and fulfilling the on-the-job training component of the registered apprenticeship and its associated standards.²⁴

A teacher who serves as a mentor in the TAP must:²⁵

- Have at least 7 years of teaching experience in this state.
- Be rated as highly effective in the three most recent value-added model (VAM) scores or on the three most recent available performance evaluations if the teacher does not generate a state VAM score.
- Satisfy any other requirements established by the Department of Education.

Effect of Proposed Changes

The bill modifies s.1012.555, F.S., by expanding eligibility for the teacher apprenticeship program by allowing candidates who are enrolled in a postsecondary institution to be eligible for the apprenticeship program, instead of requiring the candidate to have earned an associate degree prior to being eligible. The bill also aligns the GPA requirements for the TAP with the GPA requirements for the professional certificate.²⁶ The bill also reduces the teaching experience requirement for a mentor teacher in the TAP from 7 to 5 years.

²⁰ Ch. 2023-38, s. 6, Laws of Fla.

²¹ Section 446.011, F.S. provides that it is the intent of the State of Florida to provide educational opportunities for its residents so that they can be trained for trades, occupations, and professions suited to their abilities; to promote the mode of training known as apprenticeship in occupations throughout industry in the state that require physical manipulative skills.

²² Section 1012.555, (2) (a)1.-4., F.S.

²³ “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.

²⁴ Section 1012.555(2) (c) and (d), F.S.

²⁵ Section 1012.555(3), F.S.

²⁶ Section 1012.56(2)(c), F.S., requires that each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant’s major field of study.

Teaching Out-of-Field

Present Situation

As part of federal Every Student Succeeds Act (ESSA), states are required to report on how low-income and minority children enrolled in schools targeted for additional support and improvement are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers.²⁷ In Florida, district school boards are required to adopt and implement a plan to assist any teacher teaching out-of-field, and priority consideration in professional development activities must be given to a teacher who is teaching out-of-field.²⁸ In the 2022-23 school year, 91 percent of teachers were teaching in-field.²⁹

ESSA allows states to define what subject areas a teacher is certified to teach and be considered in-field. In Florida, the Course Code Directory provides the applicable certifications a teacher needs to teach specific subject areas.³⁰ Currently, teachers certified in exceptional student education (ESE) are only considered in-field when they are teaching Access³¹ courses. Therefore a teacher would be considered out-of-field if he or she is teaching students with disabilities whose individual education plan (IEP) aligns their educational performance with courses that are based on the state academic standards.

Effect of the Proposed Changes

The bill provides that a teacher who holds an educator certificate in ESE is considered in-field if he or she is teaching in a self-contained classroom. The bill defines a self-contained classroom as a classroom of exceptional students³² taught by an educator who holds a certificate in ESE and who is responsible for instruction of all academic subjects.

²⁷ 20 U.S.C. s.6311.

²⁸ Section 1012.42(1), F.S.

²⁹ Florida Department of Education, *In-field and Out-of-Field, 2022-23*, <https://www.fldoe.org/core/fileparse.php/7584/urlt/IFOFFTeach2223.xlsx>, (last visited Nov. 8, 2023).

³⁰ Rule 6A-1.09441, F.A.C.

³¹ Access courses are based on the Florida Standards Access Points (FS-APs) for English language arts and mathematics, and on the Next Generation Sunshine State Standards Access Points (NGSSS-APs) for science and social studies. Access Points are academic expectations written specifically for students with significant cognitive disabilities.

³² Section 1003.01(9), F.S., defines an exceptional students as any student who has been determined eligible for a special program in accordance with rules of the State Board of Education (SBE). The term includes students who are gifted and students with disabilities who have an intellectual disability; autism spectrum disorder; a speech impairment; a language impairment; an orthopedic impairment; an other health impairment; traumatic brain injury; a visual impairment; an emotional or behavioral disability; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; students who are deaf or hard of hearing or dual sensory impaired; students who are hospitalized or homebound; children with developmental delays ages birth through 9 years or through the student's completion of grade 2, whichever occurs first, or children, ages birth through 2 years, with established conditions that are identified in SBE rule.

Certification of Adjunct and Nondegreed Teachers of Career Education

Present Situation

Adjunct Educators

District school boards and charter school governing boards may adopt rules to allow for the issuance of an adjunct teaching certificate to any applicant who fulfills the educator certificate general, subject matter, and background screening requirements and who has expertise in the subject area to be taught. Adjunct certificate holders are required to be used primarily as a strategy to enhance the diversity of course offerings offered to all students.³³ An applicant is considered to have expertise in the subject area to be taught if the applicant demonstrates sufficient subject area mastery through passage of a subject area test or has achieved an industry certification in the subject area to be taught.³⁴

Each adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district or charter school. An additional annual certification and an additional annual contract may be awarded by the district or charter school at the district's or charter school's discretion but only if the applicant is rated effective or highly effective during each year of teaching under adjunct teaching certification. A school district and charter school may issue an adjunct teaching certificate for a part-time or full-time teaching position; however, an adjunct teaching certificate issued for a full-time teaching position is valid for no more than 5 years and is nonrenewable.³⁵

Nondegreed teachers of Career Education

Each district school board is required to establish the minimal qualifications for part-time and full-time nondegreed teachers of career programs. The qualifications for such teachers must require the filing of a complete set of fingerprints for background screening and documentation of:³⁶

- A high school diploma or the equivalent.
- Completion of 3 years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area. The district school board may establish alternative qualifications for teachers with an industry certification in the career area in which they teach.
- For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students. This training may be completed through coursework from an accredited or approved institution or an approved district teacher education program.
- Documentation of industry certification when state or national industry certifications are available and applicable.

³³ Section 1012.57(3), F.S.

³⁴ Section 1012.57(1), F.S.

³⁵ Section 1012.57 (4), F.S.

³⁶ Section 1012.39(1) (c), F.S.

Effect of Proposed Changes

The bill modifies s. 1012.57, F.S., to remove obsolete language that states that each adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district or charter school and references additional annual certification and annual contracts. The five year validity already in law makes that language obsolete.

The bill modifies s. 1012.39, F.S., to provide flexibility from certification requirements for school boards in hiring non-degree CTE teachers by removing the 3-year experience and specified training requirements.

Alternative Preparation Programs***Present Situation***

A district school board, or an organization of private schools or a consortium of charter schools, of at least 10 member schools,³⁷ with an approved professional learning system,³⁸ may design alternative teacher preparation programs to enable persons already certificated to add an additional coverage to their certificates. Each alternative teacher preparation program is required to be reviewed and approved by the Department of Education (DOE) to assure that persons who complete the program are competent in the necessary areas of subject matter specialization.³⁹

Currently, 44 school districts operate their own DOE-approved professional learning certification programs.⁴⁰

Effect of Proposed Changes

The bill modifies ss. 1004.88 and 1012.98, F.S., to allow the Florida Institute for Charter School Innovation (Institute) to develop a professional learning system to enable teachers at charter schools to add on coverages and endorsements to their certificates.

The Institute was established at Miami Dade College for the purpose of improving charter school authorizing practices in Florida.⁴¹ The Institute is responsible for analyzing charter school applications and serving as a resource for best practices, providing training and technical assistance, conducting research related to charter schools and education choice, and collaborating with the DOE in developing the sponsor evaluation framework.⁴²

³⁷ Section 1012.98(7), F.S.

³⁸ Section 1012.98, F.S., defines professional learning as learning that is aligned to the state's standards for effective professional learning, educator practices, and leadership practices; incorporates active learning; is collaborative; provides models; and is sustained and continuous.

³⁹ Section 1012.575, F.S.

⁴⁰ Florida Department of Education, *Professional Learning Certification Programs*, <https://www.fldoe.org/teaching/preparation/plcp.shtml> (last visited Nov. 6, 2023).

⁴¹ Section 1004.88(1), F.S.

⁴² Section 1004.88(2), F.S.

Instructional Personnel Contracts and Salary Schedules

Present Situation

Educator Contracts

Each person employed as a member of the instructional staff in any district school system is entitled to and must receive a written contract.⁴³ Three types of contracts are used to employ instructional personnel in Florida—continuing contracts, professional service contracts, and annual contracts.

An annual contract is an employment contract for a period of no longer than one school year that a district school board may choose to award or not award without cause.⁴⁴ As of July 1, 2011, instructional personnel under an annual contract and personnel hired thereafter may only be employed on an annual contract basis. For newly hired instructional personnel, beginning in July 1, 2011, school districts are required to award a probationary contract and after successful completion of the probationary contract, the district school board may award an annual contract.⁴⁵ An annual contract may be awarded only if the employee:⁴⁶

- Holds an active professional certificate or temporary certificate.
- Has been recommended by the district school superintendent for the annual contract based upon the individual's evaluation and approved by the district school board.
- Has not received two consecutive annual performance evaluation ratings of unsatisfactory, two annual performance evaluation ratings of unsatisfactory within a 3-year period, or three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory.

Instructional personnel hired on or after July 1, 1984, and up to July 1, 2011, were awarded professional service contracts after three years of probationary service on annual contracts if certified, recommended for a professional service contract by the superintendent, and reappointed by the school board. Professional service contracts were automatically renewed each year, unless the employee was charged with unsatisfactory performance based upon his or her annual performance evaluation or the employee's performance evaluations indicate chronically ineffective performance.⁴⁷

Instructional personnel hired before July 1, 1984, entered into continuing contracts upon meeting eligibility requirements. After completing three years of probationary service on annual contracts, an employee was eligible for a continuing contract if he or she was fully certified, recommended for a continuing contract by the superintendent, and reappointed by the school board. A continuing contract entitled the employee to continued employment without the

⁴³ Section 1012.33(1)(a), F.S.

⁴⁴ Section 1012.335(1) (a), F.S.

⁴⁵ Section 1012.335(2) (a), F.S.

⁴⁶ Section 1012.335(2) (c), F.S.

⁴⁷ Section 1012.33(3), F.S.

necessity of annual renewal until discontinuation of the position, resignation, dismissal, or removal from continuing contract status.⁴⁸

Salary Schedules

District School Boards are required to designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees.⁴⁹ Additionally school districts are required to develop a compensation and salary schedule that includes:

- Grandfathered salary schedules to be used as the basis for paying all school employees hired before July 1, 2014. In determining the grandfathered salary schedule for instructional personnel, a district school board is required to base a portion of each employee's compensation upon performance demonstrated under the districts evaluation system and must provide differentiated pay for both instructional personnel and school administrators based upon district-determined factors, including, but not limited to, additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulties.⁵⁰
- Performance salary schedules to be used as the basis for paying all school employees hired on or after July 1, 2014, or employees who choose to move from the grandfathered salary schedule to the performance salary schedule. Performance salary schedules are required to provide annual salary adjustments for instructional personnel and school administrators based upon the personnel evaluation.⁵¹

As part of the performance salary schedule the base salary is required to include the following:⁵²

- The base salary for instructional personnel or school administrators who opt into the performance salary schedule shall be the salary paid in the prior year, including adjustments only.
- Instructional personnel or school administrators new to the district, returning to the district after a break in service without an authorized leave of absence, or appointed for the first time to a position in the district in the capacity of instructional personnel or school administrator must be placed on the performance salary schedule.
- Salary adjustments for highly effective or effective performance must include the following:
 - The annual salary adjustment under the performance salary schedule for an employee rated as highly effective must be at least 25 percent greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district.
 - The annual salary adjustment under the performance salary schedule for an employee rated as effective must be equal to at least 50 percent and no more than 75 percent of the annual adjustment provided for a highly effective employee of the same classification.

⁴⁸ Section 231.36(3) (e), F.S. (1981). A continuing contract employee may be dismissed or returned to annual contract status for a period of three years based upon the recommendation of the district school superintendent, school principal, or a majority of the school board. Section 1012.33(4) (b), F.S.; see also s. 231.36(4), F.S. (1981).

⁴⁹ Section 1012.22(1), F.S.

⁵⁰ Section 1012.22(1) (c) 4., F.S.

⁵¹ Section 1012.22(1) (c) 5., F.S.

⁵² Section 1012.22(1) (c) 5.a.-b., F.S.

- A salary schedule must not provide an annual salary adjustment for an employee who receives a rating other than highly effective or effective for the year.

School districts are prohibited from using advanced degrees in setting a salary schedule for instructional personnel or school administrators hired on or after July 1, 2011, unless the advanced degree is held in the individual's area of certification and is only a salary supplement.⁵³ In addition, any compensation for longevity of service awarded to instructional personnel who are on the grandfathered salary schedule must be included in calculating the salary adjustments that give additional weight to the performance salary schedule.⁵⁴

Effect of Proposed Changes

Educator Contracts

The bill modifies s.1012.335, F.S., to allow instructional personnel hired on or after July 1, 2011, to be offered, beginning July 1, 2025, an instructional multiyear contract. An instructional multiyear contract is an employment contract for a period not to exceed 3 years which the district school board may choose to award upon completion of a probationary contract and at least one annual contract. The instructional multiyear contract may only be awarded to an employee if he or she:

- Holds an active professional certificate or temporary certificate issued
- Has been recommended by the district school superintendent for the instructional multiyear contract based upon the individual's evaluation under and approved by the district school board; and
- Has not received an annual performance evaluation rating of unsatisfactory or needs improvement.

Additionally the bill requires that an employee awarded an instructional multiyear contract who receives an annual performance evaluation rating of unsatisfactory or needs improvement under must be returned to an annual contract in the following school year. Such evaluation rating must be included with the evaluation ratings under subsequent annual contracts for determinations of just cause.⁵⁵

Salary Schedules

The bill modifies s.1012.22, F.S., to authorize district school board salary schedules to:

- Use advanced degrees in a salary adjustment for instructional personnel or school administrators hired on or after July 1, 2011, without the limit regarding individual's area of certification.
- Award salary adjustments for highly effective teachers between the performance and grandfathered salary schedules without the requirement that the annual salary adjustment

⁵³ Section 1012.22(1) (c) 3. , F.S.

⁵⁴ Section 1012.22(1) (c) 5. , F.S. (flush left)

⁵⁵ Section 1012.33, F.S. Just cause includes, but is not limited to, the following instances, as defined by rule of the State Board of Education: immorality, misconduct in office, incompetency, two consecutive annual performance evaluation ratings of unsatisfactory, two annual performance evaluation ratings of unsatisfactory within a 3-year period, three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory, gross insubordination, willful neglect of duty, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.

under the performance salary schedule for an employee rated as highly effective be at least 25 percent greater than the highest annual salary adjustment under the grandfathered schedule.

- Award compensation for longevity without regard for comparable salary adjustments between the performance and grandfathered salary schedules.

Teacher Recruitment and Critical Teacher Shortage Areas

Present Situation

Critical Teacher Shortage Areas

The State Board of Education (SBE) is required to adopt rules in order to annually identify areas where there is a critical teacher shortage.⁵⁶ Critical teacher shortage area is defined as the high-need content areas and high-priority location areas identified by the SBE.⁵⁷ In identifying critical teacher shortage areas, the SBE is required to consider current and emerging educational requirements and workforce demands.⁵⁸ The 2023-24 critical teacher shortage report published by the Florida Department of Education (DOE) identifies the following areas as those of high needs for 2023-2024:⁵⁹

- Exceptional Student Education (ESE);
- English;
- Science-General;
- English for Speakers of Other Languages (ESOL);
- Reading;
- Science-Physical;
- Math; and
- Tech Education (CTE).

The report identifies that these high need areas account for 4,532 of the 8,888 projected vacancies for the 2023-2024 school year and 21,933 of the 55,405 courses that were taught by a teacher not certified in the appropriate field during the 2021-2022 school year.⁶⁰

Teacher Recruitment

The DOE, in cooperation with teacher organizations, district personnel offices, and schools, colleges, and departments of all public and nonpublic postsecondary educational institutions, shall concentrate on the recruitment and retention of qualified teachers.⁶¹ To assist school districts in teacher recruitment the DOE must:⁶²

- Develop and implement a system for posting teaching vacancies and establish a database of teacher applicants that is accessible within and outside the state.

⁵⁶ Section 1012.07, F.S.

⁵⁷ *Id.*

⁵⁸ Section 1012.07, F.S.

⁵⁹ Florida Department of Education, *Identification of High Demand Teacher Needs for 2023-24*, available at <https://www.fldoe.org/core/fileparse.php/20562/urlt/16-2.pdf>.

⁶⁰ *Id.*

⁶¹ Section 1012.05(1), F.S.

⁶² Section 1012.05(2) (a)-(n), F.S.

- Advertise in major newspapers, national professional publications, and other professional publications and in public and nonpublic postsecondary educational institutions, if needed.
- Utilize state and nationwide toll-free numbers.
- Conduct periodic communications with district personnel directors regarding applicants.
- Provide district access to the applicant database by computer or telephone.
- Develop and distribute promotional materials related to teaching as a career, if needed.
- Publish and distribute information pertaining to employment opportunities, application procedures, and all routes toward teacher certification in Florida, and teacher salaries.
- Provide information related to certification procedures.
- Develop and sponsor the Florida Future Educator of America Program throughout the state.
- Identify best practices for retaining high-quality teachers.
- Create guidelines and identify best practices for the mentors of first-time teachers and for new teacher-support programs that focus on the professional assistance needed by first-time teachers throughout the first year of teaching. The department shall consult with the Florida Center for Reading Research and the Just Read, Florida! Office in developing the guidelines.
- Develop and implement an online Teacher Toolkit that contains a menu of resources, based on the state academic standards that all teachers can use to enhance classroom instruction and increase teacher effectiveness, thus resulting in improved student achievement.
- Establish a week designated as Educator Appreciation Week to recognize the significant contributions made by educators to their students and school communities.
- Notify each teacher, via e-mail, of each item in the General Appropriations Act and legislation that affects teachers, including, but not limited to, the Florida Teachers Classroom Supply Assistance Program, death benefits for teachers, substantive legislation, rules of the SBE, and issues concerning student achievement.

Once the DOE has adopted the guidelines and identified best practices for the mentors of first-time teachers and for new teacher-support programs that focus on the professional assistance needed by first-time teachers throughout the first year of teaching, each school district must adopt policies based on the DOE guidelines.⁶³ School districts are also required to electronically submit accurate public school e-mail addresses for all instructional and administrative personnel to DOE by September 15th and February 15th each school.

Effect of Proposed Changes

The bill modifies s.1012.07, F.S., by requiring the SBE to develop and publish strategies, in the Critical Teacher Shortage Areas report, to address the critical teacher shortages areas identified by the DOE. This may provide guidance and support to address shortages that school districts may adapt for local needs.

The bill modifies s. 1012.05, F.S., by authorizing school districts to develop and adopt their own policies relating to mentors and support for first-time teachers. The bill also reduces, from twice a year to once a year, the number of times school districts must electronically submit all instructional and administrative personnel to DOE. School districts will now be required to electronically submit public school e-mail addresses for all instructional and administrative personnel by September 15th each year.

⁶³ Section 1012.05(3) (a), F.S.

Personnel Evaluations

Present Situation

Teacher Evaluation Systems

Under No Child Left Behind, states were required to develop and implement educator and school leader evaluation systems. The Every Student Succeeds Act removed the requirement, and instead allowed states and districts to develop and implement evaluation systems.⁶⁴

Current Teacher Evaluation System Requirements

The Department of Education (DOE) is required to approve and monitor each school district's instructional personnel and school administrator evaluation systems.⁶⁵ Evaluation systems for instructional personnel and school administrators must:⁶⁶

- Be designed to support effective instruction and student learning growth, and evaluation results must be used when developing district and school level improvement plans.
- Provide appropriate instruments, procedures, timely feedback, and criteria for continuous quality improvement of the professional skills of instructional personnel and school administrators, and performance evaluation results must be used when identifying professional development.
- Include a mechanism to examine performance data from multiple sources, including opportunities for parents to provide input performance evaluations when appropriate.
- Identify those teaching fields for which special evaluation procedures and criteria are necessary.
- Differentiate among four levels of performance as follows:
 - Highly effective.
 - Effective.
 - Needs improvement or, for instructional personnel in the first 3 years of employment who need improvement, developing.
 - Unsatisfactory.
- Provide for training and monitoring programs based upon guidelines provided by the department to ensure that all individuals with evaluation responsibilities understand the proper use of the evaluation criteria and procedures.

Additionally, evaluation criteria must include:⁶⁷

- Performance of students.—At least one-third of a performance evaluation must be based upon data and indicators of student performance, as determined by each school district. This portion of the evaluation must include growth or achievement data of the teacher's students or, for a school administrator, the students attending the school over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used. The proportion of growth or achievement data may be determined by instructional assignment.

⁶⁴ Education Commission on States, *ESSA: Quick Guides on top issues*, <https://www.ecs.org/wp-content/uploads/ESSA-Quick-guides-on-top-issues.pdf>, (last visited Nov. 8, 2023).

⁶⁵ Section 1012.34(1) (b), F.S.

⁶⁶ Section 1012.34(2) (a)-(f), F.S.

⁶⁷ Section 1012.34(3) (a), F.S.

- Instructional practice.—For instructional personnel, at least one-third of the performance evaluation must be based upon instructional practice. Evaluation criteria used when annually observing classroom teachers, must include indicators based upon each of the Florida Educator Accomplished Practices (FEAP) adopted by the State Board of Education (SBE). For instructional personnel who are not classroom teachers, evaluation criteria must be based upon indicators of the FEAP and may include specific job expectations related to student support. This does not preclude a school administrator from visiting and observing classroom teachers throughout the school year for purposes of providing mentorship, training, instructional feedback, or professional learning.
- Instructional leadership.—For school administrators, at least one-third of the performance evaluation must be based on instructional leadership. Evaluation criteria for instructional leadership must include indicators based upon each of the leadership standards adopted by the SBE, including performance measures related to the effectiveness of classroom teachers in the school, the administrator’s appropriate use of evaluation criteria and procedures, recruitment and retention of effective and highly effective classroom teachers, improvement in the percentage of instructional personnel evaluated at the highly effective or effective level, and other leadership practices that result in student learning growth. The system may include a means to give parents and instructional personnel an opportunity to provide input into the administrator’s performance evaluation.
- Other indicators of performance.—For instructional personnel and school administrators, the remainder of a performance evaluation may include, but is not limited to, professional and job responsibilities as recommended by the SBE or identified by the district school board and, for instructional personnel, peer reviews, objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement, and other valid and reliable measures of instructional practice.

Measure of Student Performance

Beginning in 2011, school districts were required to use the state’s learning growth model (Value-Added Model or VAM) for statewide assessment-related courses in educator evaluations; school districts could also request to use alternatives to the state growth model in educator evaluations.⁶⁸ Additionally, school districts were required to include that 50 percent of the educator evaluation system be based on student performance on the state’s learning growth. In Florida, VAM is used to measure the contribution of a teacher or school to student learning growth. VAM measures the difference in each student’s actual performance on a statewide assessment from that student’s expected performance, which accounts for specific student and classroom factors that impact the learning process. VAM scores are produced for the teachers of the following grades and subjects:⁶⁹

- English Language Arts (4th–10th);
- Mathematics (4th–8th); and
- Algebra 1 (8th and 9th grades only).

⁶⁸ Ch. 2011-01 L.O.F

⁶⁹ Florida Department of Education, *Florida’s Value-Added Models (VAM) Frequently Asked Questions* <https://www.fldoe.org/core/fileparse.php/7503/urlt/SAS-FLVAM-FAQ.pdf>, (Last visited Nov. 9, 2023).

In 2017, the requirement that school districts had to use VAM as the component for student performance was removed and school districts were allowed to develop their own measure of student performance.⁷⁰ Although, VAM is not required to be used in school district evaluation systems, DOE requires that only educators with a highly-effective or effective VAM score are eligible for the UniSIG Supplemental Teacher and Administrator Allocation.⁷¹ The VAM requirement for eligibility, generally excludes educators who teach in grades K-3, ESE and ESOL certified teachers, and science teachers.

Effect of the Proposed Changes

The bill modifies s.1012.34, F.S., to remove the requirement that a school district receive approval from the DOE on its personnel evaluation systems; however school districts must still submit the personnel evaluation systems to the DOE. The bill makes changes to the required components in a school district's evaluation system, by:

- Providing school districts flexibility on how to evaluate the instructional practice components for educators and instructional leadership components.
- Requiring that at least half of a performance evaluation must be based upon data and indicators of student performance.

The bill also prohibits the use of VAM as the sole determinant for any incentive pay for instructional personnel or school administrators.

Assignment of Teachers

Present Situation

A school district is prohibited from assigning a higher percentage than the district average of temporarily certified teachers, teachers in need of improvement, or out-of-field to schools that are graded "D" or "F" if the individual:⁷²

- Has received an effective rating or highly effective rating in the immediate prior year's performance evaluation;
- Has successfully completed or is enrolled in a teacher preparation program pursuant to or a teacher preparation program specified in State Board of Education rule, is provided with high quality mentoring during the first 2 years of employment, holds a certificate and holds a probationary contract pursuant; or
- Holds a probationary contract and has successful teaching experience, and if, in the judgment of the school principal, students would benefit from the placement of that individual.

⁷⁰ Ch.2017-116, Laws of Fla.

⁷¹ Email, Florida Department of Education, Division of Public Schools, (Sept. 19, 2023). The UniSIG STAA grant allocates funding for districts to recruit teachers, to low-performing schools who have a rating of highly effective or effective according to VAM. Educators with a highly-effective VAM rating can receive up to \$15,000 and educators with an effective VAM rating can receive up to \$7,000.

⁷² Section 1012.2315, F.S.

Florida defines an “Ineffective Teacher,” “Inexperienced Teacher” and “Out-of-Field Teacher” as the following.⁷³

- Ineffective Teacher: A teacher who has received a summative performance evaluation rating of unsatisfactory.
- Inexperienced Teacher: A teacher who has been teaching less than four years or teacher who holds a Temporary Certificate.⁷⁴
- Out-of-Field Teacher: A teacher assigned as the primary instructor for a course in a subject for which the teacher is not appropriately qualified based on the requirements articulated in the Course Code Directory.

In recruiting high-quality teachers to low-performing schools, school district collective bargaining provisions may not preclude a school district from providing incentives and assigning teachers to their low-performing schools.⁷⁵

Effect of Proposed Changes

The bill modifies s. 1012.2315, F.S., by defining an inexperienced teacher as a teacher with two or fewer years of experience, aligning Florida’s definition of an inexperienced teacher with the National Council on Teacher Quality’s (NCTQ) definition of an inexperienced teacher.⁷⁶

Additionally, the bill shifts from temporarily certified teachers to inexperienced teachers the prohibition on school districts assigning a higher percentage to schools graded “D” or “F” than the school district average. This provides additional flexibility to school districts in the appointment of effective teachers on a temporary certificate. The bill adds that school district collective bargaining provisions may not preclude a district from providing incentives using federal Title I funds.

Voluntary Prekindergarten Program Instructor Training

Present Situation

Each public school and private provider must have, for each prekindergarten class of 11 children or fewer, at least one prekindergarten instructor who meets each of the following requirements:⁷⁷

- The prekindergarten instructor must hold, at a minimum, one of the following credentials:
 - A child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition; or

⁷³ Florida Department of Education, *Every Student Succeeds Act (ESSA) State Plan*, (September 24, 2018), available at <https://www.fldoe.org/core/fileparse.php/14196/urlt/FL-ESSA-StatePlan.pdf>, (last visited Nov. 8, 2023).

⁷⁴ *Id.* In 2018, at the time of the ESSA state plan submission, Florida’s temporary certificate was valid for three school fiscal years. The 2023 Legislature passed HB 1 (Ch. 2023-16, Laws of Fla.) to increase the validity period of the temporary certificate to five school fiscal years.

⁷⁵ Section 1012.2315, (4) F.S.

⁷⁶ National Council on Teacher Quality, *ESSA Educator Equity Best Practices Guide*, available at https://www.nctq.org/dmsView/NCTQ_ESSA_Educator_Equity_Best_Practices_Guide-Round_1, (last visited Nov. 8, 2023). NCTQ recommends states should define an inexperienced teacher as a teacher with two or fewer years of experience. Research demonstrates that teachers in their first two years of teaching are significantly less effective than experienced teachers, with the gap substantially narrowing by year three.

⁷⁷ Sections 1002.55(3) (c) and 1002.63(4), F.S. (private providers and public schools, respectively).

- A credential approved by the Department of Children and Families as being equivalent to or greater than the credential described above.
- The prekindergarten instructor must successfully complete, prior to assignment to that classroom, three emergent literacy training courses that include developmentally appropriate and experiential learning practices for children and a student performance standards training course approved by the Department of Education as meeting or exceeding the minimum standards specified in law. The prekindergarten instructor must complete an emergent literacy training course at least once every five years after initially completing the three emergent literacy training courses. The courses must be made available online or in person.

Effect of Proposed Changes

The bill modifies s. 1002.55, F.S., to specify that a newly-hired prekindergarten instructor must complete the three emergent literacy training courses within 30 days after being hired if the instructor has not already completed the courses.

School Bus Drivers

Present Situation

Federal law requires that drivers of commercial vehicles meet the following criteria:⁷⁸

- Is at least 21 years old;
- Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records;
- Can, by reason of experience, training, or both, safely operate the type of commercial motor vehicle he/she drives;
- Is physically qualified to drive a commercial motor vehicle;
- Has a currently valid commercial motor vehicle operator's license issued only by one State or jurisdiction;
- Is not disqualified to drive a commercial motor vehicle under the rules in § 391.15;⁷⁹ and
- Has successfully completed a driver's road test and has been issued a certificate of driver's road test in accordance with or has presented an operator's license or a certificate of road test which the motor carrier that employs him/her has accepted as equivalent to a road test.

Florida law provides that in addition to the requirements of 49 C.F.R. s.391, the Commissioner of Education is authorized to prescribe additional qualifications for school bus drivers through State Board of Education (SBE) rule.⁸⁰ At the time of initial employment a school board is required that a school bus driver meets the following requirements:⁸¹

- Has five years of licensed driving experience.

⁷⁸ 49 C.F.R. s. 391.

⁷⁹ 49 C.F.R. s. 391.15 provides the disqualifying offenses for drivers of commercial motor vehicles, i.e. driving under the influence and transportation of controlled substances.

⁸⁰ Section 1012.45(1), F.S.

⁸¹ Rule 6A-3.0141(2), F.A.C.

- Has submitted to the superintendent a written application for employment in a form prescribed by the district school board.
- Has filed a set of fingerprints for the purpose of the required background check for determining criminal record.

Following verification of the initial requirements and prior to transporting students school bus drivers must:⁸²

- Hold a valid commercial driver license with a passenger endorsement and a school bus endorsement.
- Successfully complete 40 hours of preservice training, which must include certified cardiopulmonary resuscitation (CPR) and first aid training, and must consist of at least 20 hours of classroom instruction and 8 hours of behind-the-wheel training. The classroom instruction and behind-the-wheel training must be based upon the Department of Education's Basic School Bus Operator Curriculum, Revised 2021.
- Demonstrate the ability to prepare required written reports.
- Be physically capable of operating the vehicle as determined by physical examination, as evidenced by the Medical Examiner's Certificate given by a certified medical examiner, registered with the National Registry of Certified Medical Examiners, and as determined by a dexterity test administered by the school district
- Demonstrate physical and mental capabilities required to carry out all assigned responsibilities as a school bus operator.

Additionally, on an annual basis school bus drivers must:⁸³

- Successfully complete a minimum of eight hours of inservice training related to the operator's responsibilities for transporting students, which may include training hours from the required certified CPR and first aid training.
- Successfully pass a dexterity test administered by the school district and maintain a valid Medical Examiners Certificate.

Effect of the Proposed Changes

The bill modifies s. 1012.45, F.S., to remove rulemaking authority from the SBE regarding additional requirements for school district bus drivers. The change provides the authority to district school boards to adopt requirements for school bus drivers and bus attendants. The provision includes specific training requirements for district school board rules, including CPR, first aid, and transportation of students with special needs.

Dale Hickam Excellent Teaching Program

Present Situation

The Dale Hickam Excellent Teaching Program was created to provide funding for bonuses for teaching excellence. The bonuses were provided for initial certification for up to one 10-year period. The Department of Education was required distribute to each school district an amount as

⁸² Rule 6A-3.0141(3), F.A.C.

⁸³ Rule 6A-3.0141(7), F.A.C.

prescribed annually by the Legislature for the Dale Hickam Excellent Teaching Program. Bonuses were provided to teachers who attained the National Board for Professional Teaching Standards (NBPTS) certification.⁸⁴ In 2008 and thereafter, teaching candidates could still pursue the NBPTS certification, but at their own expense or with district support.⁸⁵

Effect of Proposed Changes

The bill repeals the Dale Hickam Excellent Teaching Program in s. 1012.72, F.S.

Collective Bargaining

Present Situation

The State Constitution guarantees that “the right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged.”⁸⁶ To implement this constitutional provision, the Legislature enacted ch. 447, F.S., which provides that the purpose of collective bargaining is to promote cooperative relationships between the government and its employees and to protect the public by assuring the orderly and uninterrupted operations and functions of government.⁸⁷ Public employees 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.⁸⁸ Regardless of union membership, each employee is subject to the negotiated collective bargaining agreement that is applicable to the employee’s position. Through collective bargaining, public employees⁸⁹ collectively negotiate with their public employer⁹⁰ in the determination of the terms and conditions of their employment.⁹¹ The Public Employees Relations Commission (PERC) is responsible for assisting in resolving disputes between public employees and public employers.⁹²

The certified bargaining agent and the chief executive of the public employer must bargain collectively and in good faith in the determination of wages, hours, and terms and conditions of employment of the employees.⁹³ Any collective bargaining agreement reached between the parties must be put in writing and signed by the chief executive officer and the bargaining

⁸⁴ Section 1012.72(1), F.S.

⁸⁵ Ch. 2008-142, s. 14, Laws of Fla.

⁸⁶ FLA. CONST. art. 1, s. 6.

⁸⁷ Section 447.201, F.S.

⁸⁸ Section 447.301(1) and (2), F.S.

⁸⁹ Section 447.203(3), F.S., defines the term “public employee” to mean any person employed by a public employer except for specified exceptions, including Governor appointments, elected officials, employer negotiating representatives, specified managerial or confidential employees, employees of the Florida Legislature, inmates, specified vegetable inspectors, PERC employees, and part-time student workers at a state university.

⁹⁰ The term “public employer” means the state or any county, municipality, or special district or any subdivision or agency thereof that the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. Section 447.203(2), F.S.

⁹¹ Section 447.301(2), F.S.

⁹² Section 447.201(3), F.S.

⁹³ Section 447.309(1), F.S.

agent.⁹⁴ Such agreement is not binding on the employer until the agreement has been ratified by the employer and the employees in the bargaining unit.⁹⁵

A district school board or charter school governing board that is unable to meet the annual reporting requirements of classroom teacher and other instructional personnel salary increase due to a collective bargaining impasse must provide written notification to the department or the district school board, as applicable, detailing the reasons for the impasse with a proposed timeline and details for a resolution.⁹⁶

Certified Bargaining of Educational Personnel

Through the process of collective bargaining, a number of teacher unions have negotiated provisions that go beyond the wages, hours, and terms and conditions of employment of the employees. For example, in Miami-Dade Public Schools and the United Teachers of Dade agreement, the United Teachers of Dade requested the creation of the following joint tasks:

- School Calendar – where the parties agree to discuss the development of all aspects of the official school calendar for each year of the contract through a joint Calendar Committee.⁹⁷
- Francisco R. Walker Teacher of the Year Task Force –The task is be to determine the Francisco R. Walker Miami-Dade County Teacher of the Year.⁹⁸
- Reports and Forms Control Task Force -- The committee reviews procedures for eliminating, revising, reducing, or consolidating paperwork and data collection requirements within the school district and will submit an annual report of its findings to the Superintendent and the UTD President or Designee by May 1.⁹⁹
- Education Facilities Planning Committee – where the committee consisting of union members is involved in the various design stages on new school facilities.¹⁰⁰

The contract between the School Board of Orange County and the Orange County Classroom Teachers Association created a Faculty Advisory Committees at each school, which provides feedback on:¹⁰¹

- A rotation plan composed of available staff to substitute in case of emergency.
- The purchase and distribution of instructional equipment, materials and supplies.
- Student discipline plans, which may include guidelines for referral of students into alternative education settings.

⁹⁴ Section 447.309(1), F.S.

⁹⁵ *Id.*

⁹⁶ Section 1011.62(14) (e), F.S.

⁹⁷ Miami Dade County Public Schools, *Miami-Dade County Public Schools and the United Teachers of Dade Contract*, at 171, <https://www.hrdadeschools.net/ourpages/auto/2018/6/12/49100089/UTD%20-%202022-2023%20%20Reopener%20Contract%20-%20Effective%20July%201%202022%20-%20June%2030%202023.pdf?rnd=1677258385309>, (last visited Nov. 9, 2023).

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ Miami Dade County Public Schools, *Miami-Dade County Public Schools and the United Teachers of Dade Contract*, at 186, <https://www.hrdadeschools.net/ourpages/auto/2018/6/12/49100089/UTD%20-%202022-2023%20%20Reopener%20Contract%20-%20Effective%20July%201%202022%20-%20June%2030%202023.pdf?rnd=1677258385309>, (last visited Nov. 9, 2023).

¹⁰¹ Orange County Public Schools and the Orange County Classroom Teachers Association Contract, at 97, https://cdns5-ss15.sharpschool.com/UserFiles/Servers/Server_54619/File/Departments/Human%20Resources/Labor%20Relations/CTA/CTA%20Contract%2022-23%20-%20FINAL.pdf, (last visited Nov. 9, 2023).

- The disposition of discipline referrals in a timely manner.
- Additional safeguards to deal with acts of violence, including those involving weapons, and procedures for notification of teachers when their students have been found to have carried a weapon on campus.
- Other concerns of the faculty which may result in a smoother operation of the school.
- Any school-wide drives or collection of money which involve teachers shall not be approved until such have been discussed with the Faculty Advisory Committee.

Effect of Proposed Changes

The bill modifies s.1012.22, F.S., to allow district school board collective bargaining, may not preclude a district school board from carrying out its constitutional and statutory duties related to the following:

- Providing incentives to highly effective teachers.
- Implementing school improvement plans under s. 1008.33 to address the causes of low student performance and improve student academic performance and attendance.
- Implementing student discipline provisions required by law, including a review of a student's abilities, past performance, behavior, and needs.
- Implementing school safety plans and requirements.
- Implementing staff and student recognition programs.
- Distributing correspondence to parents, teachers, and community members related to the daily operation of schools and the district.
- Providing any required notice or copies of information related to the district school board or district operations which is readily available on the school district's website.
- The school district's calendar.
- The award of instructional multiyear contracts.

Additionally, the bill requires that if district school superintendent appears before the state board to provide an update on an impasse, the state board must require that the president of the school district bargaining unit also must appear.

The bill takes effect on July 1, 2024.

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: 1002.451, 1002.55, 1004.04, 1004.85, 1004.88, 1011.6202, 1012.05, 1012.07, 1012.22, 1012.2315, 1012.335, 1012.34, 1012.39, 1012.42, 1012.45, 1012.555, 1012.56, 1012.57, 1012.575, 1012.585, 1012.586, and 1012.98.

This bill repeals the following sections of the Florida Statutes: 1012.72.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

FOR CONSIDERATION By the Committee on Education Pre-K -12

581-00791A-24

20247000pb

1 A bill to be entitled
 2 An act relating to deregulation of public
 3 schools/instructional, administrative, and support
 4 personnel; amending s. 1002.451, F.S.; requiring
 5 innovation schools of technology to comply with
 6 specified provisions of law relating to instructional
 7 multiyear contracts for instructional personnel in
 8 addition to annual contracts; amending s. 1002.55,
 9 F.S.; requiring newly hired prekindergarten
 10 instructors to complete specified training within a
 11 specified timeframe; deleting obsolete language;
 12 amending s. 1004.88, F.S.; authorizing the Florida
 13 Institute for Charter School Innovation to develop a
 14 professional learning system; amending s. 1011.6202,
 15 F.S.; requiring schools participating in the Principal
 16 Autonomy Program Initiative to comply with specified
 17 provisions of law relating to instructional multiyear
 18 contracts for instructional personnel in addition to
 19 annual contracts; amending s. 1012.05, F.S.;
 20 authorizing, rather than requiring, district school
 21 boards to base certain policies on guidelines from the
 22 Department of Education; revising the frequency with
 23 which school districts must submit certain information
 24 to the department; amending s. 1012.07, F.S.;
 25 requiring the State Board of Education to develop
 26 written strategies to address critical teacher
 27 shortages; making a technical change; amending s.
 28 1012.22, F.S.; deleting a prohibition on district
 29 school boards using advanced degrees to set salary

Page 1 of 54

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

581-00791A-24

20247000pb

30 schedules for instructional personnel and school
 31 administrators hired after a specified date; deleting
 32 requirements relating to annual salary adjustments;
 33 providing that collective bargaining may not preclude
 34 a district school board from carrying out specified
 35 duties; providing that if a superintendent appears
 36 before the State Board of Education for a specified
 37 purpose, the president of the school district
 38 bargaining unit also must appear; making technical
 39 changes; amending s. 1012.2315, F.S.; providing that
 40 provisions of law relating to the assignment of
 41 teachers apply to inexperienced teachers instead of
 42 temporarily certified teachers; defining the term
 43 "inexperienced teacher"; providing that a school
 44 district may still provide specified incentives to
 45 teachers despite collective bargaining provisions;
 46 making technical changes; amending s. 1012.335, F.S.;
 47 defining the term "instructional multiyear contract";
 48 providing requirements for the award of an
 49 instructional multiyear contract; requiring that an
 50 employee awarded an instructional multiyear contract
 51 be returned to an annual contract under certain
 52 conditions; making conforming and technical changes;
 53 amending s. 1012.34, F.S.; requiring that procedures
 54 and requirements established by the district school
 55 superintendent for performance evaluations be approved
 56 by the district school board; requiring the district
 57 school superintendent to submit evaluation systems to
 58 the department under certain circumstances; deleting a

Page 2 of 54

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

581-00791A-24

20247000pb

59 requirement for the department to approve and monitor
 60 each school district's evaluation systems; revising
 61 the portion of a performance evaluation that is based
 62 on student performance; deleting requirements for
 63 performance evaluations; providing that student
 64 performance may not be the sole determinant for
 65 incentive pay for instructional personnel or school
 66 administrators; amending s. 1012.39, F.S.; revising an
 67 occupational experience qualification requirement for
 68 nondegreed teachers of career programs; deleting a
 69 training requirement for full-time nondegreed teachers
 70 of career programs; amending s. 1012.42, F.S.;
 71 providing that a teacher is considered in-field under
 72 certain circumstances; defining the term "self-
 73 contained classroom"; amending s. 1012.45, F.S.;
 74 revising requirements for school bus drivers;
 75 authorizing district school boards to adopt additional
 76 requirements for school bus drivers; requiring school
 77 bus drivers and school bus attendants to complete
 78 training in cardiopulmonary resuscitation and first
 79 aid; requiring school districts to maintain
 80 documentation of such training; requiring district
 81 school boards to provide training to school bus
 82 drivers and school bus attendants relating to students
 83 with disabilities; deleting a requirement for the
 84 State Board of Education to adopt rules relating to
 85 school bus drivers; amending s. 1012.555, F.S.;
 86 revising requirements for individuals to participate
 87 in the Teacher Apprenticeship Program; amending s.

Page 3 of 54

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

581-00791A-24

20247000pb

88 1012.56, F.S.; adding an additional method for an
 89 individual seeking an educator certification to
 90 demonstrate a mastery of general knowledge;
 91 authorizing school districts and consortia of school
 92 districts to issue temporary certificates under
 93 certain conditions; conforming a cross-reference;
 94 amending s. 1012.57, F.S.; deleting a provision
 95 relating to adjunct teaching certificates; amending s.
 96 1012.575, F.S.; providing that certain provisions
 97 relating to alternative teacher preparation programs
 98 also apply to the Florida Institute for Charter School
 99 Innovation; amending s. 1012.585, F.S.; revising the
 100 validity period for professional certificates;
 101 providing eligibility requirements for 5-year and 10-
 102 year professional certificates; revising requirements
 103 for the renewal of professional certificates;
 104 authorizing certain private school teachers to extend
 105 the expiration date of a professional certificate;
 106 repealing s. 1012.72, F.S., relating to the Dale
 107 Hickam Excellent Teaching Program; amending s.
 108 1012.98, F.S.; conforming a cross-reference; providing
 109 that provisions relating to the development of a
 110 professional learning system apply to the Florida
 111 Institute for Charter School Innovation; making
 112 technical changes; amending ss. 1004.04, 1004.85, and
 113 1012.586, F.S.; conforming cross-references; providing
 114 an effective date.

115
116 Be It Enacted by the Legislature of the State of Florida:

Page 4 of 54

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

581-00791A-24

20247000pb

117 Section 1. Paragraph (a) of subsection (5) of section
 118 1002.451, Florida Statutes, is amended to read:
 119 1002.451 District innovation school of technology program.—
 120 (5) EXEMPTION FROM STATUTES.—
 121 (a) An innovation school of technology is exempt from
 122 chapters 1000-1013. However, an innovation school of technology
 123 shall comply with the following provisions of those chapters:
 124 1. Laws pertaining to the following:
 125 a. Schools of technology, including this section.
 126 b. Student assessment program and school grading system.
 127 c. Services to students who have disabilities.
 128 d. Civil rights, including s. 1000.05, relating to
 129 discrimination.
 130 e. Student health, safety, and welfare.
 131 2. Laws governing the election and compensation of district
 132 school board members and election or appointment and
 133 compensation of district school superintendents.
 134 3. Section 1003.03, governing maximum class size, except
 135 that the calculation for compliance pursuant to s. 1003.03 is
 136 the average at the school level.
 137 4. Sections 1012.22(1)(c) and 1012.27(2), relating to
 138 compensation and salary schedules.
 139 5. Section 1012.33(5), relating to workforce reductions,
 140 for annual contracts for instructional personnel. This
 141 subparagraph does not apply to at-will employees.
 142 6. Section 1012.335, relating to contracts with
 143 instructional personnel hired on or after July 1, 2011, for
 144 annual or instructional multiyear contracts for instructional
 145

Page 5 of 54

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

581-00791A-24

20247000pb

146 personnel. This subparagraph does not apply to at-will
 147 employees.
 148 7. Section 1012.34, relating to requirements for
 149 performance evaluations of instructional personnel and school
 150 administrators.
 151 Section 2. Paragraph (c) of subsection (3) of section
 152 1002.55, Florida Statutes, is amended to read:
 153 1002.55 School-year prekindergarten program delivered by
 154 private prekindergarten providers.—
 155 (3) To be eligible to deliver the prekindergarten program,
 156 a private prekindergarten provider must meet each of the
 157 following requirements:
 158 (c) The private prekindergarten provider must have, for
 159 each prekindergarten class of 11 children or fewer, at least one
 160 prekindergarten instructor who meets each of the following
 161 requirements:
 162 1. The prekindergarten instructor must hold, at a minimum,
 163 one of the following credentials:
 164 a. A child development associate credential issued by the
 165 National Credentialing Program of the Council for Professional
 166 Recognition; or
 167 b. A credential approved by the Department of Children and
 168 Families as being equivalent to or greater than the credential
 169 described in sub-subparagraph a.
 170 The Department of Children and Families may adopt rules under
 171 ss. 120.536(1) and 120.54 which provide criteria and procedures
 172 for approving equivalent credentials under sub-subparagraph b.
 173 2. The prekindergarten instructor must successfully
 174

Page 6 of 54

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

581-00791A-24 20247000pb

complete three emergent literacy training courses that include developmentally appropriate and experiential learning practices for children and a student performance standards training course approved by the department as meeting or exceeding the minimum standards adopted under s. 1002.59. A newly hired prekindergarten instructor must complete the three emergent literacy training courses within 30 calendar days after being hired if the instructor has not previously completed the courses. The prekindergarten instructor must complete an emergent literacy training course at least once every 5 years after initially completing the three emergent literacy training courses. The courses in this subparagraph must be recognized as part of the informal early learning and career pathway identified by the department under s. 1002.995(1)(b). ~~The requirement for completion of the standards training course shall take effect July 1, 2022.~~ The courses must be made available online or in person.

Section 3. Present subsections (3) and (4) of section 1004.88, Florida Statutes, are redesignated as subsections (4) and (5), respectively, and a new subsection (3) is added to that section, to read:

1004.88 Florida Institute for Charter School Innovation.—

(3) The institute may develop a professional learning system pursuant to s. 1012.98(7).

Section 4. Paragraph (b) of subsection (3) of section 1011.6202, Florida Statutes, is amended to read:

1011.6202 Principal Autonomy Program Initiative.—The Principal Autonomy Program Initiative is created within the Department of Education. The purpose of the program is to

581-00791A-24 20247000pb

provide a highly effective principal of a participating school with increased autonomy and authority to operate his or her school, as well as other schools, in a way that produces significant improvements in student achievement and school management while complying with constitutional requirements. The State Board of Education may, upon approval of a principal autonomy proposal, enter into a performance contract with the district school board for participation in the program.

(3) EXEMPTION FROM LAWS.—

(b) A participating school or a school operated by a principal pursuant to subsection (5) shall comply with the provisions of chapters 1000-1013, and rules of the state board that implement those provisions, pertaining to the following:

1. Those laws relating to the election and compensation of district school board members, the election or appointment and compensation of district school superintendents, public meetings and public records requirements, financial disclosure, and conflicts of interest.

2. Those laws relating to the student assessment program and school grading system, including chapter 1008.

3. Those laws relating to the provision of services to students with disabilities.

4. Those laws relating to civil rights, including s. 1000.05, relating to discrimination.

5. Those laws relating to student health, safety, and welfare.

6. Section 1001.42(4)(f), relating to the uniform opening date for public schools.

7. Section 1003.03, governing maximum class size, except

581-00791A-24 20247000pb

that the calculation for compliance pursuant to s. 1003.03 is the average at the school level for a participating school.

8. Sections 1012.22(1)(c) and 1012.27(2), relating to compensation and salary schedules.

9. Section 1012.33(5), relating to workforce reductions for annual contracts for instructional personnel. This subparagraph does not apply to at-will employees.

10. Section 1012.335, relating to annual or instructional multiyear contracts for instructional personnel hired on or after July 1, 2011. This subparagraph does not apply to at-will employees.

11. Section 1012.34, relating to personnel evaluation procedures and criteria.

12. Those laws pertaining to educational facilities, including chapter 1013, except that s. 1013.20, relating to covered walkways for relocatables, and s. 1013.21, relating to the use of relocatable facilities exceeding 20 years of age, are eligible for exemption.

13. Those laws pertaining to participating school districts, including this section and ss. 1011.69(2) and 1012.28(8).

Section 5. Subsection (3) of section 1012.05, Florida Statutes, is amended to read:

1012.05 Teacher recruitment and retention.—

(3)(a) Each school board shall adopt policies relating to mentors and support for first-time teachers which may include the based-upon guidelines issued by the Department of Education.

(b) By September 15 ~~and February 15~~ each school year, each school district shall electronically submit accurate public

581-00791A-24 20247000pb

school e-mail addresses for all instructional and administrative personnel, as identified in s. 1012.01(2) and (3), to the Department of Education.

Section 6. Section 1012.07, Florida Statutes, is amended to read:

1012.07 Identification of critical teacher shortage areas.—
The term “critical teacher shortage area” means high-need content areas and high-priority location areas identified by the State Board of Education. The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to annually identify critical teacher shortage areas. The state board must consider current and emerging educational requirements and workforce demands in determining critical teacher shortage areas. School grade levels may also be designated critical teacher shortage areas. Individual district school boards may identify and submit other critical teacher shortage areas. Such submissions must be aligned to current and emerging educational requirements and workforce demands in order to be approved by the State Board of Education. High-priority location areas must ~~shall~~ be in high-density, low-economic urban schools; low-density, low-economic rural schools; and schools that earned a grade of “F” or three consecutive grades of “D” pursuant to s. 1008.34. The State Board of Education shall develop written strategies to address the critical teacher shortages identified.

Section 7. Paragraph (c) of subsection (1) of section 1012.22, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

1012.22 Public school personnel; powers and duties of the

581-00791A-24

20247000pb

district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(c) *Compensation and salary schedules.*—

1. Definitions.—As used in this paragraph:

a. "Adjustment" means an addition to the base salary schedule that is not a bonus and becomes part of the employee's permanent base salary and shall be considered compensation under s. 121.021(22).

b. "Grandfathered salary schedule" means the salary schedule or schedules adopted by a district school board before July 1, 2014, pursuant to subparagraph 3 4.

c. "Instructional personnel" means instructional personnel as defined in s. 1012.01(2)(a)-(d), excluding substitute teachers.

d. "Performance salary schedule" means the salary schedule or schedules adopted by a district school board pursuant to subparagraph 4 5.

e. "Salary schedule" means the schedule or schedules used to provide the base salary for district school board personnel.

f. "School administrator" means a school administrator as defined in s. 1012.01(3)(c).

g. "Supplement" means an annual addition to the base salary for the term of the negotiated supplement as long as the employee continues his or her employment for the purpose of the supplement. A supplement does not become part of the employee's

581-00791A-24

20247000pb

continuing base salary but shall be considered compensation under s. 121.021(22).

2. Cost-of-living adjustment.—A district school board may provide a cost-of-living salary adjustment if the adjustment:

a. Does not discriminate among comparable classes of employees based upon the salary schedule under which they are compensated.

b. Does not exceed 50 percent of the annual adjustment provided to instructional personnel rated as effective.

~~3. Advanced degrees.—A district school board may not use advanced degrees in setting a salary schedule for instructional personnel or school administrators hired on or after July 1, 2011, unless the advanced degree is held in the individual's area of certification and is only a salary supplement.~~

~~4. Grandfathered salary schedule.~~—

a. The district school board shall adopt a salary schedule or salary schedules to be used as the basis for paying all school employees hired before July 1, 2014. Instructional personnel on annual contract as of July 1, 2014, shall be placed on the performance salary schedule adopted under subparagraph 4 5. Instructional personnel on continuing contract or professional service contract may opt into the performance salary schedule if the employee relinquishes such contract and agrees to be employed on an annual contract under s. 1012.335. Such an employee shall be placed on the performance salary schedule and may not return to continuing contract or professional service contract status. Any employee who opts into the performance salary schedule may not return to the grandfathered salary schedule.

581-00791A-24

20247000pb

b. In determining the grandfathered salary schedule for instructional personnel, a district school board must base a portion of each employee's compensation upon performance demonstrated under s. 1012.34 and shall provide differentiated pay for both instructional personnel and school administrators based upon district-determined factors, including, but not limited to, additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulties.

4.5- Performance salary schedule.—By July 1, 2014, the district school board shall adopt a performance salary schedule that provides annual salary adjustments for instructional personnel and school administrators based upon performance determined under s. 1012.34. Employees hired on or after July 1, 2014, or employees who choose to move from the grandfathered salary schedule to the performance salary schedule shall be compensated pursuant to the performance salary schedule once they have received the appropriate performance evaluation for this purpose.

a. Base salary.—The base salary shall be established as follows:

(I) The base salary for instructional personnel or school administrators who opt into the performance salary schedule shall be the salary paid in the prior year, including adjustments only.

(II) Instructional personnel or school administrators new to the district, returning to the district after a break in service without an authorized leave of absence, or appointed for the first time to a position in the district in the capacity of

581-00791A-24

20247000pb

instructional personnel or school administrator shall be placed on the performance salary schedule.

b. Salary adjustments.—Salary adjustments for highly effective or effective performance shall be established as follows:

~~(I) The annual salary adjustment under the performance salary schedule for an employee rated as highly effective must be at least 25 percent greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district.~~

~~(II)~~ The annual salary adjustment under the performance salary schedule for an employee rated as effective must be equal to at least 50 percent and no more than 75 percent of the annual adjustment provided for a highly effective employee of the same classification.

(II)~~(III)~~ A salary schedule may ~~shall~~ not provide an annual salary adjustment for an employee who receives a rating other than highly effective or effective for the year.

c. Salary supplements.—In addition to the salary adjustments, each district school board shall provide for salary supplements for activities that must include, but are not limited to:

(I) Assignment to a Title I eligible school.

(II) Assignment to a school that earned a grade of "F" or three consecutive grades of "D" pursuant to s. 1008.34 such that the supplement remains in force for at least 1 year following improved performance in that school.

(III) Certification and teaching in critical teacher shortage areas. Statewide critical teacher shortage areas shall

581-00791A-24 20247000pb

be identified by the State Board of Education under s. 1012.07. However, the district school board may identify other areas of critical shortage within the school district for purposes of this sub-sub-subparagraph and may remove areas identified by the state board which do not apply within the school district.

(IV) Assignment of additional academic responsibilities.

If budget constraints in any given year limit a district school board's ability to fully fund all adopted salary schedules, the performance salary schedule may ~~shall~~ not be reduced on the basis of total cost or the value of individual awards in a manner that is proportionally greater than reductions to any other salary schedules adopted by the district. ~~Any compensation for longevity of service awarded to instructional personnel who are on any other salary schedule must be included in calculating the salary adjustments required by sub-subparagraph b.~~

(3) (a) Collective bargaining.—Notwithstanding provisions of chapter 447 related to district school board collective bargaining, collective bargaining may not preclude a district school board from carrying out its constitutional and statutory duties related to the following:

1. Providing incentives to highly effective teachers.

2. Implementing school improvement plans under s. 1008.33 to address the causes of low student performance and improve student academic performance and attendance.

3. Implementing student discipline provisions required by law, including a review of a student's abilities, past performance, behavior, and needs.

4. Implementing school safety plans and requirements.

581-00791A-24 20247000pb

5. Implementing staff and student recognition programs.

6. Distributing correspondence to parents, teachers, and community members related to the daily operation of schools and the district.

7. Providing any required notice or copies of information related to the district school board or district operations which is readily available on the school district's website.

8. The school district's calendar.

9. The award of instructional multiyear contracts under s. 1012.335.

(b) Appearances before the board.—If a district school superintendent appears before the state board to provide an update under s. 1011.62(14)(e), the state board must require that the president of the school district bargaining unit also must appear.

Section 8. Subsections (1) and (2) and paragraph (a) of subsection (4) of section 1012.2315, Florida Statutes, are amended to read:

1012.2315 Assignment of teachers.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds disparities between teachers assigned to teach in a majority of schools that do not need improvement and schools that do need improvement pursuant to s. 1008.33. The disparities may be found in the assignment of ~~inexperienced temporarily certified~~ teachers, teachers in need of improvement, and out-of-field teachers and in the performance of the students. It is the intent of the Legislature that district school boards have flexibility through the collective bargaining process to assign teachers more equitably across the schools in the district.

581-00791A-24

20247000pb

(2) ASSIGNMENT TO SCHOOLS GRADED "D" OR "F".—

(a) A school district may not assign a higher percentage than the school district average of ~~inexperienced temporarily certified~~ teachers, teachers in need of improvement, or out-of-field teachers to schools graded "D" or "F" pursuant to s. 1008.34. As used in this section, the term "inexperienced teacher" means a teacher who has been teaching for 2 years or less.

(b)1. A school district may assign an individual newly hired as instructional personnel to a school that has earned a grade of "F" in the previous year or any combination of three consecutive grades of "D" or "F" in the previous 3 years pursuant to s. 1008.34 if the individual:

a. Has received an effective rating or highly effective rating in the immediate prior year's performance evaluation pursuant to s. 1012.34;

b. Has successfully completed or is enrolled in a teacher preparation program pursuant to s. 1004.04, s. 1004.85, or s. 1012.56, or a teacher preparation program specified in State Board of Education rule, is provided with high quality mentoring during the first 2 years of employment, holds a certificate issued pursuant to s. 1012.56, and holds a probationary contract pursuant to s. 1012.335(2)(a); or

c. Holds a probationary contract pursuant to s. 1012.335(2)(a), holds a certificate issued pursuant to s. 1012.56, and has successful teaching experience, and if, in the judgment of the school principal, students would benefit from the placement of that individual.

2. As used in this paragraph, the term "mentoring" includes

581-00791A-24

20247000pb

the use of student achievement data combined with at least monthly observations to improve the educator's effectiveness in improving student outcomes. Mentoring may be provided by a school district, a teacher preparation program approved pursuant to s. 1004.04, s. 1004.85, or s. 1012.56, or a teacher preparation program specified in State Board of Education rule.

Each school district shall annually certify to the Commissioner of Education that the requirements in this subsection have been met. If the commissioner determines that a school district is not in compliance with this subsection, the State Board of Education must ~~shall~~ be notified and must ~~shall~~ take action pursuant to s. 1008.32 in the next regularly scheduled meeting to require compliance.

(4) COLLECTIVE BARGAINING.—

(a) Notwithstanding provisions of chapter 447 relating to district school board collective bargaining, collective bargaining provisions may not preclude a school district from providing incentives to high-quality teachers and assigning such teachers to low-performing schools, including incentives in s. 1011.69(4).

Section 9. Present paragraphs (b) and (c) of subsection (1) of section 1012.335, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, a new paragraph (b) is added to that subsection, paragraphs (d) and (e) are added to subsection (2) of that section, and subsections (3) and (4) of that section are amended, to read:

1012.335 Contracts with instructional personnel hired on or after July 1, 2011.—

581-00791A-24

20247000pb

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

(b) "Instructional multiyear contract," beginning July 1, 2025, means an employment contract for a period not to exceed 3 years which the district school board may choose to award upon completion of a probationary contract and at least one annual contract.

(2) EMPLOYMENT.—

(d) An instructional multiyear contract may be awarded, beginning July 1, 2025, only if the employee:

1. Holds an active professional certificate or temporary certificate issued pursuant to s. 1012.56 and rules of the State Board of Education;

2. Has been recommended by the district school superintendent for the instructional multiyear contract based upon the individual's evaluation under s. 1012.34 and approved by the district school board; and

3. Has not received an annual performance evaluation rating of unsatisfactory or needs improvement under s. 1012.34.

(e) An employee awarded an instructional multiyear contract who receives an annual performance evaluation rating of unsatisfactory or needs improvement under s. 1012.34 must be returned to an annual contract in the following school year. Such evaluation rating must be included with the evaluation ratings under subsequent annual contracts for determinations of just cause under s. 1012.33.

(3) VIOLATION OF ANNUAL OR INSTRUCTIONAL MULTIYEAR CONTRACT.—Instructional personnel who accept a written offer from the district school board and who leave their positions without prior release from the district school board are subject

581-00791A-24

20247000pb

to the jurisdiction of the Education Practices Commission.

(4) SUSPENSION OR DISMISSAL OF INSTRUCTIONAL PERSONNEL ON ANNUAL OR INSTRUCTIONAL MULTIYEAR CONTRACT.—Any instructional personnel with an annual or instructional multiyear contract may be suspended or dismissed at any time during the term of the contract for just cause as provided in subsection (5). The district school board shall notify the employee in writing whenever charges are made and may suspend such person without pay. However, if the charges are not sustained, the employee must ~~shall~~ be immediately reinstated and his or her back pay must ~~shall~~ be paid. If the employee wishes to contest the charges, he or she must, within 15 days after receipt of the written notice, submit a written request for a hearing to the district school board. A direct hearing must ~~shall~~ be conducted by the district school board or a subcommittee thereof within 60 days after receipt of the written appeal. The hearing must ~~shall~~ be conducted in accordance with ss. 120.569 and 120.57. A majority vote of the membership of the district school board shall be required to sustain the district school superintendent's recommendation. The district school board's determination is final as to the sufficiency or insufficiency of the grounds for suspension without pay or dismissal. Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68.

Section 10. Paragraphs (a) and (b) of subsection (1) and paragraph (a) of subsection (3) of section 1012.34, Florida Statutes, are amended, and paragraph (c) is added to subsection (7) of that section, to read:

1012.34 Personnel evaluation procedures and criteria.—

581-00791A-24

20247000pb

581 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

582 (a) For the purpose of increasing student academic
583 performance by improving the quality of instructional,
584 administrative, and supervisory services in the public schools
585 of ~~this the~~ state, the district school superintendent shall
586 establish procedures for evaluating the performance of duties
587 and responsibilities of all instructional, administrative, and
588 supervisory personnel employed by the school district. The
589 procedures and requirements in subsection (3) must be
590 established by the district school superintendent and approved
591 by the district school board, must set the standards of service
592 to be offered to the public within the meaning of s. 447.209,
593 and are not subject to collective bargaining. The district
594 school superintendent shall provide instructional personnel the
595 opportunity to review their class rosters for accuracy and to
596 correct any mistakes. The district school superintendent shall
597 report accurate class rosters for the purpose of calculating
598 district and statewide student performance and annually report
599 the evaluation results of instructional personnel and school
600 administrators to the Department of Education in addition to the
601 information required under subsection (5).

602 (b) The district school superintendent must submit the
603 district instructional personnel and school administrator
604 evaluation systems to the department whenever the evaluation
605 systems in subsection (2) are amended ~~department must approve~~
606 ~~each school district's instructional personnel and school~~
607 ~~administrator evaluation systems. The department shall monitor~~
608 ~~each district's implementation of its instructional personnel~~
609 ~~and school administrator evaluation systems for compliance with~~

581-00791A-24

20247000pb

610 ~~the requirements of this section.~~

611 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional
612 personnel and school administrator performance evaluations must
613 be based upon the performance of students assigned to their
614 classrooms or schools, as provided in this section. Pursuant to
615 this section, a school district's performance evaluation system
616 is not limited to basing unsatisfactory performance of
617 instructional personnel and school administrators solely upon
618 student performance, but may include other criteria to evaluate
619 instructional personnel and school administrators' performance,
620 or any combination of student performance and other criteria.
621 Evaluation procedures and criteria must comply with, but are not
622 limited to, the following:

623 (a) A performance evaluation must be conducted for each
624 employee at least once a year, except that a classroom teacher,
625 as defined in s. 1012.01(2)(a), excluding substitute teachers,
626 who is newly hired by the district school board must be observed
627 and evaluated at least twice in the first year of teaching in
628 the school district. The performance evaluation must be based
629 upon sound educational principles and contemporary research in
630 effective educational practices. The evaluation criteria must
631 include:

632 1. Performance of students.—At least ~~one-half one-third~~ of
633 a performance evaluation must be based upon data and indicators
634 of student performance, as determined by each school district.
635 ~~This portion of the evaluation must include growth or~~
636 ~~achievement data of the teacher's students or, for a school~~
637 ~~administrator, the students attending the school over the course~~
638 ~~of at least 3 years. If less than 3 years of data are available,~~

581-00791A-24

20247000pb

the years for which data are available must be used. The proportion of growth or achievement data may be determined by instructional assignment.

2. ~~Instructional practice.~~ For instructional personnel, at least one third of the performance evaluation must be based upon instructional practice. Evaluation criteria used when annually observing classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, must include indicators based upon each of the Florida Educator Accomplished Practices adopted by the State Board of Education. For instructional personnel who are not classroom teachers, evaluation criteria must be based upon indicators of the Florida Educator Accomplished Practices and may include specific job expectations related to student support. This section does not preclude a school administrator from visiting and observing classroom teachers throughout the school year for purposes of providing mentorship, training, instructional feedback, or professional learning.

3. ~~Instructional leadership.~~ For school administrators, at least one third of the performance evaluation must be based on instructional leadership. Evaluation criteria for instructional leadership must include indicators based upon each of the leadership standards adopted by the State Board of Education under s. 1012.986, including performance measures related to the effectiveness of classroom teachers in the school, the administrator's appropriate use of evaluation criteria and procedures, recruitment and retention of effective and highly effective classroom teachers, improvement in the percentage of instructional personnel evaluated at the highly effective or effective level, and other leadership practices that result in

581-00791A-24

20247000pb

student learning growth. The system may include a means to give parents and instructional personnel an opportunity to provide input into the administrator's performance evaluation.

4. Other indicators of performance.—For instructional personnel and school administrators, the remainder of a performance evaluation may include, but is not limited to, professional and job responsibilities as recommended by the State Board of Education or identified by the district school board and, for instructional personnel, peer reviews, objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement, and other valid and reliable measures of instructional practice.

(7) MEASUREMENT OF STUDENT PERFORMANCE.—

(c) The measurement of student learning growth under paragraph (a) may not be the sole determinant for any incentive pay for instructional personnel or school administrators.

Section 11. Paragraph (c) of subsection (1) of section 1012.39, Florida Statutes, is amended to read:

1012.39 Employment of substitute teachers, teachers of adult education, nondegreed teachers of career education, and career specialists; students performing clinical field experience.—

(1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and 1012.57, or any other provision of law or rule to the contrary, each district school board shall establish the minimal qualifications for:

(c) Part-time and full-time nondegreed teachers of career programs. Qualifications must be established for nondegreed

581-00791A-24

20247000pb

teachers of career and technical education courses for program clusters that are recognized in the state and are based primarily on successful occupational experience rather than academic training. The qualifications for such teachers must require:

1. The filing of a complete set of fingerprints in the same manner as required by s. 1012.32. Faculty employed solely to conduct postsecondary instruction may be exempted from this requirement.

2. Documentation of education and successful occupational experience including documentation of:

a. A high school diploma or the equivalent.

b. Completion of a minimum level, established by the district school board, 3 years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area. The district school board may establish alternative qualifications for teachers with an industry certification in the career area in which they teach.

~~c. For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students. This training may be completed through coursework from an accredited or approved institution or an approved district teacher education program, or the local school district inservice master plan.~~

~~d.~~ Documentation of industry certification when state or national industry certifications are available and applicable.

Section 12. Subsection (1) of section 1012.42, Florida

581-00791A-24

20247000pb

Statutes, is amended to read:

1012.42 Teacher teaching out-of-field.—

(1) ASSISTANCE.—

(a) Each district school board shall adopt and implement a plan to assist any teacher teaching out-of-field, and priority consideration in professional development activities shall be given to a teacher who is teaching out-of-field. The district school board shall require that the teacher participate in a certification or staff development program designed to provide the teacher with the competencies required for the assigned duties. The board-approved assistance plan must include duties of administrative personnel and other instructional personnel to provide students with instructional services.

(b) A teacher who holds an educator certificate in exceptional student education is considered in-field if he or she is teaching in a self-contained classroom. For the purpose of this paragraph, the term "self-contained classroom" means a classroom of exceptional students as defined in s. 1003.01 taught by an educator who holds a certificate in exceptional student education and who is responsible for instruction of all academic subjects.

Section 13. Subsections (1) and (3) of section 1012.45, Florida Statutes, are amended to read:

1012.45 School bus drivers; requirements and duties.—

(1) Each school bus driver must be of good moral character, of good vision and hearing, able-bodied, free from communicable disease, mentally alert, and sufficiently strong physically to handle the bus with ease, and must meet ~~he or she must possess~~ other qualifications prescribed by the Commissioner of

581-00791A-24 20247000pb

Education, including those qualifications described in 49 C.F.R. s. 391, relating to physical qualifications and examinations, and 49 C.F.R. part 40 and part 382, relating to controlled substance and alcohol use and testing, and he or she must hold a valid commercial driver license with a passenger endorsement.

(3) Each district school board shall require that school bus drivers and school bus attendants complete a certified cardiopulmonary resuscitation course and first aid training before being employed as a school bus driver or a school bus attendant. The school district shall maintain documentation of the completion of the cardiopulmonary resuscitation course and first aid training. Each district school board must also provide training to school bus drivers and school bus attendants for students with disabilities under s. 1003.57. Each district school board may adopt additional ~~The State Board of Education shall adopt rules outlining~~ requirements that school bus drivers must meet to be ~~before they are~~ employed by district school boards.

Section 14. Subsection (2) and paragraph (a) of subsection (3) of section 1012.555, Florida Statutes, are amended to read:

1012.555 Teacher Apprenticeship Program.—

(2) (a) An individual must meet the following minimum eligibility requirements to participate in the apprenticeship program:

1. Be enrolled in or have completed ~~Have received~~ an associate degree program at ~~from~~ an accredited postsecondary institution.

2. Have earned a cumulative grade point average of 2.5 ~~3.0~~ in that degree program.

581-00791A-24 20247000pb

3. Have successfully passed a background screening as provided in s. 1012.32.

4. Have received a temporary apprenticeship certificate as provided in s. 1012.56(7)(d).

(b) As a condition of participating in the program, an apprentice teacher must commit to spending at least the first 2 years in the classroom of a mentor teacher using team teaching strategies identified in s. 1003.03(5)(b) and fulfilling the on-the-job training component of the registered apprenticeship and its associated standards.

(c) An apprentice teacher must do both of the following:

1. Complete at least 2 years in an apprenticeship before being eligible to apply for a professional certificate established in s. 1012.56(7)(a). Completion of the Teacher Apprenticeship Program does not exempt an apprentice teacher from the requirements of s. 1012.56(2)(c).

2. Receive related instruction as provided in s. 446.051.

(d) An apprentice teacher must be appointed by the district school board as an education paraprofessional and must be paid in accordance with s. 446.032 and rules adopted by the State Board of Education.

(e) An apprentice teacher may change schools or districts after the first year of his or her apprenticeship if the hiring school or district has agreed to fund the remaining year of the apprenticeship.

(3) A teacher who serves as a mentor in the apprenticeship program shall mentor his or her apprentice teacher using team teaching strategies and must, at a minimum, meet all of the following requirements:

581-00791A-24

20247000pb

813 (a) Have at least 5 7 years of teaching experience in this
 814 state.
 815 Section 15. Subsections (3) and (7) and paragraph (a) of
 816 subsection (8) of section 1012.56, Florida Statutes, are amended
 817 to read:
 818 1012.56 Educator certification requirements.—
 819 (3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of
 820 demonstrating mastery of general knowledge are:
 821 (a) Achievement of passing scores on the general knowledge
 822 examination required by state board rule;
 823 (b) Documentation of a valid professional standard teaching
 824 certificate issued by another state;
 825 (c) Documentation of a valid certificate issued by the
 826 National Board for Professional Teaching Standards or a national
 827 educator credentialing board approved by the State Board of
 828 Education;
 829 (d) Documentation of two semesters of successful, full-time
 830 or part-time teaching in a Florida College System institution,
 831 state university, or private college or university that awards
 832 an associate or higher degree and is an accredited institution
 833 or an institution of higher education identified by the
 834 Department of Education as having a quality program;
 835 (e) Achievement of passing scores, identified in state
 836 board rule, on national or international examinations that test
 837 comparable content and relevant standards in verbal, analytical
 838 writing, and quantitative reasoning skills, including, but not
 839 limited to, the verbal, analytical writing, and quantitative
 840 reasoning portions of the Graduate Record Examination. Passing
 841 scores identified in state board rule must be at approximately

581-00791A-24

20247000pb

842 the same level of rigor as is required to pass the general
 843 knowledge examinations; ~~or~~
 844 (f) Documentation of receipt of a master's or higher degree
 845 from an accredited postsecondary educational institution that
 846 the Department of Education has identified as having a quality
 847 program resulting in a baccalaureate degree or higher; or
 848 (g) Documentation of a rating of effective or highly
 849 effective under s. 1012.34 in each year of the validity period
 850 of the temporary certificate.
 851
 852 A school district that employs an individual who does not
 853 achieve passing scores on any subtest of the general knowledge
 854 examination must provide information regarding the availability
 855 of state-level and district-level supports and instruction to
 856 assist him or her in achieving a passing score. Such information
 857 must include, but need not be limited to, state-level test
 858 information guides, school district test preparation resources,
 859 and preparation courses offered by state universities and
 860 Florida College System institutions. The requirement of mastery
 861 of general knowledge shall be waived for an individual who has
 862 been provided 3 years of supports and instruction and who has
 863 been rated effective or highly effective under s. 1012.34 for
 864 each of the last 3 years.
 865 (7) TYPES AND TERMS OF CERTIFICATION.—
 866 (a) The Department of Education shall issue a professional
 867 certificate for a period not to exceed 5 years to any applicant
 868 who fulfills one of the following:
 869 1. Meets all the applicable requirements outlined in
 870 subsection (2).

581-00791A-24

20247000pb

- 871 2. For a professional certificate covering grades 6 through
 872 12:
- 873 a. Meets the applicable requirements of paragraphs (2)(a)-
 874 (h).
- 875 b. Holds a master's or higher degree in the area of
 876 science, technology, engineering, or mathematics.
- 877 c. Teaches a high school course in the subject of the
 878 advanced degree.
- 879 d. Is rated highly effective as determined by the teacher's
 880 performance evaluation under s. 1012.34, based in part on
 881 student performance as measured by a statewide, standardized
 882 assessment or an Advanced Placement, Advanced International
 883 Certificate of Education, or International Baccalaureate
 884 examination.
- 885 e. Achieves a passing score on the Florida professional
 886 education competency examination required by state board rule.
- 887 3. Meets the applicable requirements of paragraphs (2)(a)-
 888 (h) and completes a professional learning certification program
 889 approved by the department pursuant to paragraph (8)(b) or an
 890 educator preparation institute approved by the department
 891 pursuant to s. 1004.85. An applicant who completes one of these
 892 programs and is rated highly effective as determined by his or
 893 her performance evaluation under s. 1012.34 is not required to
 894 take or achieve a passing score on the professional education
 895 competency examination in order to be awarded a professional
 896 certificate.
- 897 (b) The department shall issue a temporary certificate to
 898 any applicant who:
- 899 1. Completes the requirements outlined in paragraphs

581-00791A-24

20247000pb

- 900 (2)(a)-(f) and completes the subject area content requirements
 901 specified in state board rule or demonstrates mastery of subject
 902 area knowledge pursuant to subsection (5) and holds an
 903 accredited degree or a degree approved by the Department of
 904 Education at the level required for the subject area
 905 specialization in state board rule;
- 906 2. For a subject area specialization for which the state
 907 board otherwise requires a bachelor's degree, documents 48
 908 months of active-duty military service with an honorable
 909 discharge or a medical separation; completes the requirements
 910 outlined in paragraphs (2)(a), (b), and (d)-(f); completes the
 911 subject area content requirements specified in state board rule
 912 or demonstrates mastery of subject area knowledge pursuant to
 913 subsection (5); and documents completion of 60 college credits
 914 with a minimum cumulative grade point average of 2.5 on a 4.0
 915 scale, as provided by one or more accredited institutions of
 916 higher learning or a nonaccredited institution of higher
 917 learning identified by the Department of Education as having a
 918 quality program resulting in a bachelor's degree or higher; or
- 919 3. Is enrolled in a state-approved teacher preparation
 920 program under s. 1004.04; is actively completing the required
 921 program field experience or internship at a public school;
 922 completes the requirements outlined in paragraphs (2)(a), (b),
 923 and (d)-(f); completes the subject area content requirements
 924 specified in state board rule or demonstrates mastery of subject
 925 area knowledge pursuant to subsection (5); and documents
 926 completion of 60 college credits with a minimum cumulative grade
 927 point average of 2.5 on a 4.0 scale, as provided by one or more
 928 accredited institutions of higher learning or a nonaccredited

581-00791A-24

20247000pb

institution of higher learning identified by the Department of Education as having a quality program resulting in a bachelor's degree or higher.

(c) The department shall issue one nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to a qualified applicant who holds a bachelor's degree in the area of speech-language impairment to allow for completion of a master's degree program in speech-language impairment.

(d) The department shall issue a temporary apprenticeship certificate to any applicant who:

1. Meets the requirements of paragraphs (2)(a), (b), and (d)-(f).

2. Completes the subject area content requirements specified in state board rule or demonstrates mastery of subject area knowledge as provided in subsection (5).

(e) A person who is issued a temporary certificate under paragraph (b) must be assigned a teacher mentor for a minimum of 2 school years after commencing employment. Each teacher mentor selected by the school district, charter school, or charter management organization must:

1. Hold a valid professional certificate issued pursuant to this section;

2. Have earned at least 3 years of teaching experience in prekindergarten through grade 12; and

3. Have earned an effective or highly effective rating on the prior year's performance evaluation under s. 1012.34.

(f) 1. A temporary certificate is valid for 5 school fiscal years, is limited to a one-time issuance, and is nonrenewable.

581-00791A-24

20247000pb

2. A temporary apprenticeship certificate issued under paragraph (d) is valid for 5 school years, may be issued only once, and is nonrenewable.

(g) A school district or a consortium of school districts may issue temporary certificates based on the requirements in paragraph (b). School districts or a consortium of school districts must report the number of such certificates issued, and any additional information to the department, based on reporting requirements adopted by the State Board of Education.

At least 1 year before an individual's department-issued temporary certificate is set to expire, the department shall electronically notify the individual of the date on which his or her certificate will expire and provide a list of each method by which the qualifications for a professional certificate can be completed.

(8) PROFESSIONAL LEARNING CERTIFICATION PROGRAM.—

(a) The Department of Education shall develop and each school district, charter school, and charter management organization may provide a cohesive competency-based professional learning certification program by which instructional staff may satisfy the mastery of professional preparation and education competence requirements specified in subsection (6) and rules of the State Board of Education. Participants must hold a state-issued temporary certificate. A school district, charter school, or charter management organization that implements the program shall provide a competency-based certification program developed by the Department of Education or developed by the district, charter

581-00791A-24 20247000pb

school, or charter management organization and approved by the Department of Education. These entities may collaborate with other supporting agencies or educational entities for implementation. The program shall include the following:

1. A teacher mentorship and induction component.

a. Each individual selected by the district, charter school, or charter management organization as a mentor:

(I) Must hold a valid professional certificate issued pursuant to this section;

(II) Must have earned at least 3 years of teaching experience in prekindergarten through grade 12;

(III) Must have completed training in clinical supervision and participate in ongoing mentor training provided through the coordinated system of professional learning under s. 1012.98(4);

(IV) Must have earned an effective or highly effective rating on the prior year's performance evaluation; and

(V) May be a peer evaluator under the district's evaluation system approved under s. 1012.34.

b. The teacher mentorship and induction component must, at a minimum, provide routine opportunities for mentoring and induction activities, including ongoing professional learning as described in s. 1012.98 targeted to a teacher's needs, opportunities for a teacher to observe other teachers, co-teaching experiences, and reflection and follow-up ~~followup~~ discussions. Professional learning must meet the criteria established in s. 1012.98(3). Mentorship and induction activities must be provided for an applicant's first year in the program and may be provided until the applicant attains his or her professional certificate in accordance with this section.

581-00791A-24 20247000pb

2. An assessment of teaching performance aligned to the district's, charter school's, or charter management organization's system for personnel evaluation under s. 1012.34 which provides for:

a. An initial evaluation of each educator's competencies to determine an appropriate individualized professional learning plan.

b. A summative evaluation to assure successful completion of the program.

3. Professional education preparation content knowledge, which must be included in the mentoring and induction activities under subparagraph 1., that includes, but is not limited to, the following:

a. The state academic standards provided under s. 1003.41, including scientifically researched and evidence-based reading instructional strategies grounded in the science of reading, content literacy, and mathematical practices, for each subject identified on the temporary certificate. Reading instructional strategies for foundational skills shall include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies may not employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Instructional strategies may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but may not be used to teach word reading.

b. The educator-accomplished practices approved by the

581-00791A-24

20247000pb

state board.

4. Required achievement of passing scores on the subject area and professional education competency examination required by State Board of Education rule. Mastery of general knowledge must be demonstrated as described in subsection (3).

5. Beginning with candidates entering a program in the 2022-2023 school year, a candidate for certification in a coverage area identified pursuant to s. 1012.585(3)(g) ~~s. 1012.585(3)(f)~~ must successfully complete all competencies for a reading endorsement, including completion of the endorsement practicum.

Section 16. Subsection (4) of section 1012.57, Florida Statutes, is amended to read:

1012.57 Certification of adjunct educators.-

(4) ~~Each adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district or charter school. An additional annual certification and an additional annual contract may be awarded by the district or charter school at the district's or charter school's discretion but only if the applicant is rated effective or highly effective under s. 1012.34 during each year of teaching under adjunct teaching certification.~~ A school district and charter school may issue an adjunct teaching certificate for a part-time or full-time teaching position; however, an adjunct teaching certificate issued for a full-time teaching position is valid for no more than 5 years and is nonrenewable.

Section 17. Section 1012.575, Florida Statutes, is amended to read:

1012.575 Alternative preparation programs for certified

581-00791A-24

20247000pb

teachers to add additional coverage.-A district school board, ~~or~~ an organization of private schools, ~~or~~ a consortium of charter schools with an approved professional learning system as described in s. 1012.98(7), or the Florida Institute for Charter School Innovation may design alternative teacher preparation programs to enable persons already certificated to add an additional coverage to their certificates. Each alternative teacher preparation program shall be reviewed and approved by the Department of Education to ensure ~~assure~~ that persons who complete the program are competent in the necessary areas of subject matter specialization. Two or more school districts may jointly participate in an alternative preparation program for teachers.

Section 18. Paragraph (a) of subsection (2), subsections (3) and (4), and paragraph (b) of subsection (5) of section 1012.585, Florida Statutes, are amended to read:

1012.585 Process for renewal of professional certificates.-

(2) (a) All professional certificates, except a nonrenewable professional certificate, are ~~shall be~~ renewable for successive periods not to exceed 10 5 years after the date of submission of documentation of completion of the requirements for renewal provided in subsection (3). Only one renewal may be granted during each 5-year or 10-year validity period of a professional certificate.

1. A teacher who is rated highly effective, pursuant to s. 1012.34, in at least 4 years of the 5-year validity period of his or her professional certificate is eligible for a professional certificate valid for 10 years. A teacher must be issued at least one 5-year professional certificate to be

581-00791A-24 20247000pb

eligible for a 10-year professional certificate. A teacher who does not meet the requirement of this subparagraph is eligible to renew his or her 5-year professional certificate.

2. A teacher who is rated effective or highly effective, pursuant to s. 1012.34, for the entirety of the 10-year validity period of his or her professional certificate is eligible to renew a professional certificate valid for 10 years. A teacher issued a 10-year professional certificate who does not meet the requirement of this subparagraph is eligible for a professional certificate valid for 5 years.

(3) For the renewal of a professional certificate, the following requirements must be met:

(a) The applicant must:

1. Earn a minimum of 6 college credits or 120 inservice points or a combination thereof for a certificate valid for 5 years. The district school board may reduce the requirements by 1 college credit or 20 inservice points for an applicant rated highly effective, pursuant to s. 1012.34, in at least 3 of the 5 years of the 5-year validity period of his or her initial professional certificate.

2. Earn a minimum of 9 college credits or 180 inservice points or a combination thereof for a professional certificate valid for 10 years.

(b) For each area of specialization to be retained on a certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in "clinical educator" training pursuant to s. 1004.04(5)(b); participation in mentorship and induction activities, including as a mentor, pursuant to s.

581-00791A-24 20247000pb

1012.56(8)(a); and credits or points that provide training in the area of scientifically researched, knowledge-based reading literacy grounded in the science of reading, including explicit, systematic, and sequential approaches to reading instruction, developing phonemic awareness, and implementing multisensory intervention strategies, and computational skills acquisition, exceptional student education, normal child development, and the disorders of development may be applied toward any specialization area. Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching students having limited proficiency in English, or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 1000.03(5) and 1008.345 may be applied toward any specialization area, except specialization areas identified by State Board of Education rule that include reading instruction or intervention for any students in kindergarten through grade 6. Each district school board shall include in its inservice master plan the ability for teachers to receive inservice points for supporting students in extracurricular career and technical education activities, such as career and technical student organization activities outside of regular school hours and training related to supervising students participating in a career and technical student organization. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 1012.98 in the district's approved master plan for

581-00791A-24

20247000pb

inservice educational training; however, such points may not be used to satisfy the specialization requirements of this paragraph.

~~(c)(b)~~ In lieu of college course credit or inservice points, the applicant may renew a subject area specialization by passage of a state board approved Florida-developed subject area examination or, if a Florida subject area examination has not been developed, a standardized examination specified in state board rule.

~~(d)(e)~~ If an applicant wishes to retain more than two specialization areas on the certificate, the applicant must ~~shall~~ be permitted two successive validity periods for renewal of all specialization areas, but must earn no fewer than 6 college course credit hours or the equivalent inservice points in any one validity period. If an applicant with an initial professional certificate qualifies for reduced requirements under paragraph (a), he or she must earn no fewer than 5 college course credit hours or 100 inservice points in any one validity period.

~~(e)(d)~~ The State Board of Education shall adopt rules for the expanded use of training for renewal of the professional certificate for educators who are required to complete training in teaching students of limited English proficiency or students with disabilities and training in the teaching of reading as follows:

1. A teacher who holds a professional certificate may use college credits or inservice points earned through training in teaching students of limited English proficiency or students with disabilities and training in the teaching of reading in

581-00791A-24

20247000pb

excess of 6 semester hours during one certificate-validity period toward renewal of the professional certificate during the subsequent validity periods.

2. A teacher who holds a temporary certificate may use college credits or inservice points earned through training in teaching students of limited English proficiency or students with disabilities and training in the teaching of reading toward renewal of the teacher's first professional certificate. Such training must not have been included within the degree program, and the teacher's temporary and professional certificates must be issued for consecutive school years.

~~(f)(e)~~ Beginning July 1, 2014, an applicant for renewal of a professional certificate must earn a minimum of one college credit or the equivalent inservice points in the area of instruction for teaching students with disabilities. The requirement in this paragraph may not add to the total hours required by the department for continuing education or inservice training.

~~(g)(f)~~ An applicant for renewal of a professional certificate in any area of certification identified by State Board of Education rule that includes reading instruction or intervention for any students in kindergarten through grade 6, with a beginning validity date of July 1, 2020, or thereafter, must earn a minimum of 2 college credits or the equivalent inservice points in evidence-based instruction and interventions grounded in the science of reading specifically designed for students with characteristics of dyslexia, including the use of explicit, systematic, and sequential approaches to reading instruction, developing phonological and phonemic awareness,

581-00791A-24 20247000pb

1219 decoding, and implementing multisensory intervention strategies.
 1220 Such training must be provided by teacher preparation programs
 1221 under s. 1004.04 or s. 1004.85 or approved school district
 1222 professional development systems under s. 1012.98. The
 1223 requirements in this paragraph may not add to the total hours
 1224 required by the department for continuing education or inservice
 1225 training.

1226 (h) ~~(g)~~ An applicant for renewal of a professional
 1227 certificate in educational leadership from a Level I program
 1228 under s. 1012.562(2) or Level II program under s. 1012.562(3),
 1229 with a beginning validity date of July 1, 2025, or thereafter,
 1230 must earn a minimum of 1 college credit or 20 inservice points
 1231 in Florida's educational leadership standards, as established in
 1232 rule by the State Board of Education. The requirement in this
 1233 paragraph may not add to the total hours required by the
 1234 department for continuing education or inservice training.

1235 (i) ~~(h)~~ A teacher may earn inservice points only once during
 1236 each 5-year validity period for any mandatory training topic
 1237 that is not linked to student learning or professional growth.

1238 (4) (a) When any person who holds a valid temporary
 1239 certificate or professional certificate is called into or
 1240 volunteers for actual wartime service or required peacetime
 1241 military service training, the certificate shall be renewed for
 1242 a period of time equal to the time spent in military service if
 1243 the person makes proper application and presents substantiating
 1244 evidence to the department or the employing school district
 1245 regarding such military service.

1246 (b) A teacher who has taught in a private school during the
 1247 5-year validity period of his or her professional certificate

581-00791A-24 20247000pb

1248 and is subsequently reemployed to teach in a school district may
 1249 extend the expiration date of the certificate for a duration
 1250 equivalent to the number of years taught at a private school, up
 1251 to a maximum of 3 years. This extension is granted in order for
 1252 the teacher to submit documentation for his or her completion of
 1253 the requirements outlined in subsection (3). The teacher must
 1254 submit documentation of employment in a school district or in a
 1255 private school in a format determined by the department.

1256 (5) The State Board of Education shall adopt rules to allow
 1257 the reinstatement of expired professional certificates. The
 1258 department may reinstate an expired professional certificate if
 1259 the certificateholder:

1260 (b) Documents completion of 6 college credits during the 5
 1261 years immediately preceding reinstatement of the expired
 1262 certificate, completion of 120 inservice points, or a
 1263 combination thereof, in an area specified in paragraph (3) (b)
 1264 ~~(3) (a)~~ to include the credit required under paragraph (3) (f)
 1265 ~~(3) (e)~~.

1266
 1267 The requirements of this subsection may not be satisfied by
 1268 subject area examinations or college credits completed for
 1269 issuance of the certificate that has expired.

1270 Section 19. Section 1012.72, Florida Statutes, is repealed.

1271 Section 20. Paragraph (b) of subsection (5) and subsection
 1272 (7) of section 1012.98, Florida Statutes, are amended to read:

1273 1012.98 School Community Professional Learning Act.—

1274 (5) The Department of Education, school districts, schools,
 1275 Florida College System institutions, and state universities
 1276 share the responsibilities described in this section. These

581-00791A-24

20247000pb

responsibilities include the following:

(b) Each school district shall develop a professional learning system as specified in subsection (4). The system shall be developed in consultation with teachers, teacher-educators of Florida College System institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations. The professional learning system must:

1. Be reviewed and approved by the department for compliance with s. 1003.42(3) and this section. Effective March 1, 2024, the department shall establish a calendar for the review and approval of all professional learning systems. A professional learning system must be reviewed and approved every 5 years. Any substantial revisions to the system must ~~shall~~ be submitted to the department for review and approval. The department shall establish a format for the review and approval of a professional learning system.

2. Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students. Schools and districts, in developing and refining the professional learning system, shall also review and monitor school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with follow-up ~~followup~~ support appropriate to accomplish district-level and

581-00791A-24

20247000pb

school-level improvement goals and standards. The inservice activities for instructional and school administrative personnel shall focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety.

4. Provide inservice activities and support targeted to the individual needs of new teachers participating in the professional learning certification and education competency program under s. 1012.56(8)(a).

5. Include a professional learning catalog for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The catalog must ~~shall~~ be updated annually by September 1, must be based on input from teachers and district and school instructional leaders, and must use the latest available student achievement data and research to enhance rigor and relevance in the classroom. Each district inservice catalog must be aligned to and support the school-based inservice catalog and school improvement plans pursuant to s. 1001.42(18). Each district inservice catalog must provide a description of the training that middle grades instructional personnel and school administrators receive on the district's code of student conduct adopted pursuant to s. 1006.07; integrated digital instruction and competency-based instruction and CAPE Digital Tool

581-00791A-24

20247000pb

certificates and CAPE industry certifications; classroom management; student behavior and interaction; extended learning opportunities for students; and instructional leadership. District plans must be approved by the district school board annually in order to ensure compliance with subsection (1) and to allow for dissemination of research-based best practices to other districts. District school boards shall ~~must~~ submit verification of their approval to the Commissioner of Education no later than October 1, annually. Each school principal may establish and maintain an individual professional learning plan for each instructional employee assigned to the school as a seamless component to the school improvement plans developed pursuant to s. 1001.42(18). An individual professional learning plan must be related to specific performance data for the students to whom the teacher is assigned, define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity, and include an evaluation component that determines the effectiveness of the professional learning plan.

6. Include inservice activities for school administrative personnel, aligned to the state's educational leadership standards, which ~~that~~ address updated skills necessary for instructional leadership and effective school management pursuant to s. 1012.986.

7. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional learning programs.

8. Provide for delivery of professional learning by distance learning and other technology-based delivery systems to

581-00791A-24

20247000pb

reach more educators at lower costs.

9. Provide for the continuous evaluation of the quality and effectiveness of professional learning programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

10. For all grades, emphasize:

a. Interdisciplinary planning, collaboration, and instruction.

b. Alignment of curriculum and instructional materials to the state academic standards adopted pursuant to s. 1003.41.

c. Use of small learning communities; problem-solving, inquiry-driven research and analytical approaches for students; strategies and tools based on student needs; competency-based instruction; integrated digital instruction; and project-based instruction.

Each school that includes any of grades 6, 7, or 8 shall ~~must~~ include in its school improvement plan, required under s. 1001.42(18), a description of the specific strategies used by the school to implement each item listed in this subparagraph.

11. Provide training to reading coaches, classroom teachers, and school administrators in effective methods of identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills; incorporating instructional techniques into the general education setting which are proven to improve reading performance for all students; and using predictive and other

581-00791A-24

20247000pb

data to make instructional decisions based on individual student needs. The training must help teachers integrate phonemic awareness; phonics, word study, and spelling; reading fluency; vocabulary, including academic vocabulary; and text comprehension strategies into an explicit, systematic, and sequential approach to reading instruction, including multisensory intervention strategies. Such training for teaching foundational skills must ~~shall~~ be based on the science of reading and include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies included in the training may not employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Such instructional strategies may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but may not be used to teach word reading. Each district must provide all elementary grades instructional personnel access to training sufficient to meet the requirements of s. 1012.585(3)(g) ~~s. 1012.585(3)(f)~~.

(7) An organization of private schools or consortium of charter schools which has no fewer than 10 member schools in this state, which publishes and files with the Department of Education copies of its standards, and the member schools of which comply with the provisions of part II of chapter 1003, relating to compulsory school attendance; ~~or~~ a public or private college or university with a teacher preparation program approved pursuant to s. 1004.04; or the Florida Institute for Charter School Innovation; may also develop a professional

581-00791A-24

20247000pb

learning system that includes a professional learning catalog for inservice activities. The system and inservice catalog must be submitted to the commissioner for approval pursuant to state board rules.

Section 21. Paragraph (c) of subsection (2) and paragraph (b) of subsection (5) of section 1004.04, Florida Statutes, are amended to read:

1004.04 Public accountability and state approval for teacher preparation programs.—

(2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.—

(c) Each candidate must receive instruction and be assessed on the uniform core curricula in the candidate's area or areas of program concentration during course work and field experiences. Beginning with candidates entering a teacher preparation program in the 2022-2023 school year, a candidate for certification in a coverage area identified pursuant to s. 1012.585(3)(g) ~~s. 1012.585(3)(f)~~ must successfully complete all competencies for a reading endorsement, including completion of the endorsement practicum through the candidate's field experience under subsection (5), in order to graduate from the program.

(5) PRESERVICE FIELD EXPERIENCE.—All postsecondary instructors, school district personnel and instructional personnel, and school sites preparing instructional personnel through preservice field experience courses and internships shall meet special requirements. District school boards may pay student teachers during their internships.

(b)1. All school district personnel and instructional personnel who supervise or direct teacher preparation students

581-00791A-24 20247000pb

during field experience courses or internships taking place in this state in which candidates demonstrate an impact on student learning growth must have:

- a. Evidence of "clinical educator" training;
- b. A valid professional certificate issued pursuant to s. 1012.56;
- c. At least 3 years of teaching experience in prekindergarten through grade 12;
- d. Earned an effective or highly effective rating on the prior year's performance evaluation under s. 1012.34 or be a peer evaluator under the district's evaluation system approved under s. 1012.34; and
- e. Beginning with the 2022-2023 school year, for all such personnel who supervise or direct teacher preparation students during internships in kindergarten through grade 3 or who are enrolled in a teacher preparation program for a certificate area identified pursuant to s. 1012.585(3)(g) ~~s. 1012.585(3)(f)~~, a certificate or endorsement in reading.

The State Board of Education shall approve the training requirements.

2. All instructional personnel who supervise or direct teacher preparation students during field experience courses or internships in another state, in which a candidate demonstrates his or her impact on student learning growth, through a Florida online or distance program must have received "clinical educator" training or its equivalent in that state, hold a valid professional certificate issued by the state in which the field experience takes place, and have at least 3 years of teaching

581-00791A-24 20247000pb

experience in prekindergarten through grade 12.

3. All instructional personnel who supervise or direct teacher preparation students during field experience courses or internships, in which a candidate demonstrates his or her impact on student learning growth, on a United States military base in another country through a Florida online or distance program must have received "clinical educator" training or its equivalent, hold a valid professional certificate issued by the United States Department of Defense or a state or territory of the United States, and have at least 3 years teaching experience in prekindergarten through grade 12.

Section 22. Paragraph (b) of subsection (3) of section 1004.85, Florida Statutes, is amended to read:

1004.85 Postsecondary educator preparation institutes.—

(3) Educator preparation institutes approved pursuant to this section may offer competency-based certification programs specifically designed for noneducation major baccalaureate degree holders to enable program participants to meet the educator certification requirements of s. 1012.56. An educator preparation institute choosing to offer a competency-based certification program pursuant to the provisions of this section must implement a program developed by the institute and approved by the department for this purpose. Approved programs shall be available for use by other approved educator preparation institutes.

(b) Each program participant must:

- 1. Meet certification requirements pursuant to s. 1012.56(1) by obtaining a statement of status of eligibility in the certification subject area of the educational plan and meet

581-00791A-24

20247000pb

the requirements of s. 1012.56(2)(a)-(f).

2. Demonstrate competency and participate in field experiences that are appropriate to his or her educational plan prepared under paragraph (a). Beginning with candidates entering an educator preparation institute in the 2022-2023 school year, a candidate for certification in a coverage area identified pursuant to s. 1012.585(3)(g) ~~s. 1012.585(3)(f)~~ must successfully complete all competencies for a reading endorsement, including completion of the endorsement practicum through the candidate's field experience, in order to graduate from the program.

3. Before completion of the program, fully demonstrate his or her ability to teach the subject area for which he or she is seeking certification by documenting a positive impact on student learning growth in a prekindergarten through grade 12 setting and, except as provided in s. 1012.56(7)(a)3., achieving a passing score on the professional education competency examination, the basic skills examination, and the subject area examination for the subject area certification which is required by state board rule.

Section 23. Paragraph (b) of subsection (2) of section 1012.586, Florida Statutes, is amended to read:

1012.586 Additions or changes to certificates; duplicate certificates; reading endorsement pathways.—

(2)

(b) As part of adopting a pathway pursuant to paragraph (a), the department shall review the competencies for the reading endorsement and subject area examinations for educator certificates identified pursuant to s. 1012.585(3)(g) ~~s.~~

581-00791A-24

20247000pb

~~1012.585(3)(f)~~ for alignment with evidence-based instructional and intervention strategies rooted in the science of reading and identified pursuant to s. 1001.215(7) and recommend changes to the State Board of Education. Recommended changes must address identification of the characteristics of conditions such as dyslexia, implementation of evidence-based classroom instruction and interventions, including evidence-based reading instruction and interventions specifically for students with characteristics of dyslexia, and effective progress monitoring. By July 1, 2023, each school district reading endorsement add-on program must be resubmitted for approval by the department consistent with this paragraph.

Section 24. This act shall take effect July 1, 2024.

APPEARANCE RECORD

Meeting Date

11/15/23

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

Bill Number or Topic

Committee

Education P/C

Amendment Barcode (if applicable)

Name

Kalisha Baptiste

Phone

850 294 7331

Address

3153 Huntersfield Circle

Email

Kalisha-Baptiste@gmail.com

Street

Tallahassee FL

State

32303

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)

11/15/2023

The Florida Senate
APPEARANCE RECORD

SPB7000

Meeting Date

Education PreK-12

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Brent Jones

Phone 850-768-6720

Address 1725 Oak Grove Road
Street

Email james.jones@walton.k12.fl.us

Westville
City

FL
State

32464
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. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

11/15/23

Meeting Date

SPB 7000

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Mark Motl

Phone

386-916-9275

Address

115 Vintage Ln

Email

markmotl@gmail.com

Street

Palatka, FL

32177

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

Meeting Date

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

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

11/15/23

Meeting Date

Sen. Education ^{PreK-12} Committee

Committee

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

SPB 7000

Bill Number or Topic

Amendment Barcode (if applicable)

Name CARMEN WARD Phone 352-538-1156

Address 5317 NW 23rd Place Email carmenrosewb@gmail.com
Street

Gainesville, FL 32606
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)

11/15/23

Meeting Date

Pre K 12

Committee

The Florida Senate
APPEARANCE RECORD

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

7000

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jve Woltanski

Phone

305 240 1565

Address

146 Westminster

Email

kingwolt@yahoo.com

Street

Tavernier FL 33070

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

SPB 7000

11/15/23

Meeting Date

Education PreK-12

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Nancy Lawther, Ph.D

Phone 407 855-7604

Address 1747 Orlando Central Pkwy

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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

11/15/2023

The Florida Senate

APPEARANCE RECORD

SPB 7000

Meeting Date

Education PreK-12

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Brian T. Moore**

Phone **850-577-5784**

Address **208 S. Monroe St.**

Email **bmoore@fadss.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:

**Fla Assoc of District School
Supers**

☐ 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

Nov. 15 2023

Meeting Date

Prek-12 Education

Committee

7000

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Marie-Claire Leman

Phone 850-728-7514

Address 1911 Wahalaus Ct
Street

Email marieclaireleman@gmail.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:

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

11/15

Meeting Date

Senate Ed

Committee

7000

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Greg Blank

Phone

509-8022

Address

1727 Highland Pl

Email

greg@blackconsultingllc.com

Street

TLH

City

FL

State

32308

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:

Martin County Schools

☐

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)

11/15/2023

Meeting Date
Education PreK-12

Committee

Name **Gabriela Navarro**

Address **104 W Jefferson Street**

Street

Tallahassee

City

FL

State

32301

Zip

The Florida Senate

APPEARANCE RECORD

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

SPB 7000

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **305-935-1866**

Email **Gaby@Rlbookpa.com**

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:

Miami-Dade County Public School

☐ 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

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

11/15/23

Meeting Date

7000

Bill Number (if applicable)

Topic Public School Deregulation

Amendment Barcode (if applicable)

Name Jessica Janasiewicz (Jan-uh-see-wit-z)

Job Title Governmental Consultant

Address 119 South Monroe Street

Phone 850-681-6788

Street

Tallahassee

City

FL

State

32301

Zip

Email jessica@rutledge-ecenia.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Escambia, Santa Rosa, Marion and Osceola County School districts

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

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

11/15/23

Meeting Date

EDUCATION

Committee

7000

Bill Number or Topic

Amendment Barcode (if applicable)

Name Danielle Thomas

Phone 850-414-2578

Address 203 S. Monroe St
Street

Email _____

Tallahassee
City

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:

FSBA

☐ 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
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: SPB 7002

INTRODUCER: Education Pre-K -12 Committee

SUBJECT: Deregulation of Public Schools/School District Finance and Budgets, Facilities, and Administration and Oversight

DATE: November 16, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Brick/Jahnke/ Sabitsch	Bouck		ED Submitted as Comm. Bill/Fav

I. Summary:

SPB 7002 builds on the deregulation of public schools provisions in House Bill 1 (Ch. 2023-16, Laws of Fla.) and removes unnecessary and burdensome regulations on school districts to advance efficient administrative processes, enhance facilities management, and simplify financial requirements.

The bill advances efficiency for school board administrative processes. Specifically, the bill:

- Simplifies school board rulemaking and policy development procedures to follow a single process that focuses on open meetings with public input.
- Authorizes electronic notifications to parents and required advertisements regarding school board meetings to be posted on the district school board website.
- Provides flexibility for school districts to decide whether to make up days lost because of a bona fide emergency.
- Revises the requirements allowing students to carry essential medical supplies at school with simpler prescription and parent approval processes.
- Removes the obligation for school boards to provide surplus property for charter schools on the same basis as other public schools.
- Removes requirements for school boards to provide:
 - Parents with an economic security report.
 - An annual report on district guidance services.

The bill simplifies financial requirements for school boards. The bill:

- Provides flexibility for school boards to use federal funds.
- Specifies that school districts identified in State Board of Education rule as having a financial concern would be subject to monthly reporting. All others would be subject to less frequent reporting.
- Provides that charter schools are to receive and respond to monitoring questions from the Department of Education regarding the charter school's cost report.

To enhance the ability of school boards to plan for and manage their facilities, the bill:

- Supports flexible funding for all facets of the educational environment, from classrooms to transportation hubs by expanding the use of anticipated revenues to payments for auxiliary facilities and ancillary plants.
- Provides autonomy for school boards to plan for facilities in accordance with local long-term needs instead of state-specified assessments over 5-year, 10-year, and 20-year periods.
- Removes the requirement for each district school board to conduct an educational plant survey.
- Clarifies and expands construction flexibility under the state requirements for educational facilities.

The bill also removes from statute:

- Cost per student station limitations on projects funded with state funds or discretionary millage.
- The caps on the amount from the discretionary levy that school boards may use for school board vehicles and property insurance.

The bill takes effect July 1, 2024.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

Education Administration and Oversight

Present Situation

State-Level Regulation

The State Board of Education (SBE) is the chief implementing and coordinating body of public education in Florida except for the State University System, and it is required to focus on high-level policy decisions.¹ The SBE has authority to adopt rules pursuant to the Administrative Procedures Act (APA)² to implement its statutory duties to improve the state system of Early Learning-20 public education except for the State University System. The SBE is authorized to delegate its general powers to the Commissioner of Education (commissioner) or the directors of the divisions of the Department of Education (DOE).³

The APA provides uniform procedures for the exercise of specified government authority.⁴ An agency is required to comply with the APA rulemaking procedures when developing rules.⁵

¹ Section 1001.02(1), F.S. The Florida Constitution provides that the state board of education is a body corporate and have such supervision of the system of free public education as is provided by law. FL. CONST. art. 9, s. 2.

² Chapter 120, F.S.

³ Section 1001.02(1), F.S.

⁴ Section 120.515, F.S.

⁵ Section 120.54(1)(a), F.S.

A “rule” under the APA is defined as each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term also includes the amendment or repeal of a rule.⁶

The SBE is required to adopt cohesive rules pursuant to the APA, within statutory authority.⁷ An agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute. No agency is authorized to adopt a rule only because it is reasonably related to the purpose of the enabling legislation.⁸ An invalid exercise of delegated legislative authority means action that goes beyond the powers, functions, and duties delegated by the Legislature.⁹

The DOE is the administrative and supervisory agency under the implementation direction of the SBE.¹⁰ The commissioner is appointed by the SBE and serves as the executive director of the DOE.¹¹ The DOE assists in providing professional leadership and guidance and in carrying out the policies, procedures, and duties authorized by law or by the SBE.¹²

District School Board Policymaking

District school boards derive from the Florida Constitution the authority to operate, control and supervise all free public schools within the school district and determine the rate of school district taxes.¹³ Rulemaking requirements under the APA only apply to district school boards when acting pursuant to powers other than those derived from the State Constitution.¹⁴ Policy developed pursuant to constitutional authority is subject to review by a judicial tribunal, such as the local circuit court.¹⁵

The Legislature also identifies the general powers of district school boards. These include, for example, the power to:¹⁶

- Determine policies and programs consistent with state law and rule deemed necessary by it for the efficient operation and general improvement of the district school system.
- Adopt rules pursuant to the APA to implement the provisions of law conferring duties upon it to supplement those prescribed by the SBE and the commissioner.
- Prescribe and adopt standards and policies to provide each student the opportunity to receive a complete education program, including language arts, mathematics, science, social studies,

⁶ Section 120.52(16), F.S.

⁷ Section 1001.02(2)(n), F.S.

⁸ Section 120.52(8), F.S.

⁹ Section 120.52(8), F.S.

¹⁰ Section 1001.20(1), F.S.

¹¹ Section 20.15(2), F.S.

¹² Section 1001.20(2), F.S.

¹³ FLA. CONST. art. IX, s. 4(b).

¹⁴ See s. 120.52(1)(a) and (6), F.S. See also *Escambia Cnty. Sch. Bd. v. Warren*, 337 So. 3d 496, 500-502 (Fla. 1st DCA 2022) (Tanenbaum, J., concurring).

¹⁵ See *Escambia Cnty. Sch. Bd. v. Warren*, 337 So. 3d 496, 500-502 (Fla. 1st DCA 2022) (Tanenbaum, J., concurring).

¹⁶ Section 1001.41, F.S.

health, physical education, foreign languages, and the arts, as defined by the state academic standards.

When promulgating rules under the APA, district school boards are required to notify the public:¹⁷

- By publication in a newspaper in the affected area or on a publicly accessible website;
- By mail to all persons who have made requests for advance notice of its proceedings and to organizations representing persons affected by the proposed rule; and
- By posting in appropriate places so that those particular classes of persons to whom the intended action is directed may be duly notified.

The APA also provides a process for any substantially affected person to seek a declaratory statement regarding an agency's opinion as to the applicability of a statutory provision, or of any rule or order of the agency, as it applies to the petitioner's particular set of circumstances.¹⁸ The petition seeking a declaratory statement must state with particularity the petitioner's set of circumstances and specify the statutory provision, rule, or order that the petitioner believes may apply to the set of circumstances.¹⁹

The agency is required to give notice of the filing of each petition in the next available issue of the Florida Administrative Register and transmit copies of each petition to the Administrative Procedures Committee.²⁰ The agency must issue a declaratory statement or deny the petition within 90 days after the filing of the petition and notice the statement in the next available issue of the Florida Administrative Register. Agency disposition of petitions are final agency action.²¹

Charter schools are not required to follow rulemaking procedures prescribed by the APA.²²

General Powers of District School Superintendent

Each school district must have a superintendent of schools who is elected at a general election for a term of four years; or, when provided by resolution of the district school board, or by special law, approved by vote of the electors, is employed by the district school board.²³ The district school superintendent has the authority, and when necessary for the more efficient and adequate operation of the district school system, the responsibility, to:²⁴

- Oversee the district school system.
- Advise and counsel with the district school board on all educational matters.
- Recommend to the district school board for adoption such policies pertaining to the district school system as are necessary for its more efficient operation.

¹⁷ Section 120.81(1)(d), F.S.

¹⁸ Section 120.565(1), F.S.

¹⁹ Section 120.565(2), F.S.

²⁰ Section 120.565(3), F.S. The term "Administrative Procedures Committee" means a committee designated by joint rule of the Legislature or by agreement between the President of the Senate and the Speaker of the House of Representatives. Section 1.01(16), F.S.

²¹ Section 120.565(3), F.S.

²² Section 1002.33(16), F.S.

²³ FLA. CONST. art. 9, s. 5.

²⁴ Section 1001.49, F.S.

- Submit to the district school board for adoption rules to contribute to the efficient operation of any aspect of education in the district.
- Submit to the district school board for adoption minimum standards relating to the operation of any phase of the district school system.
- Perform duties and exercise responsibilities as are assigned to the district school superintendent by law and by rules of the State Board of Education.

Included among the specific powers of the superintendent is the duty to recommend to the district school board for adoption such policies pertaining to the district school system as are necessary for its more efficient operation.²⁵

Student Online Personal Information Protection Act

Schools and district school boards typically use hundreds of companies to provide services every school year. Edtech companies perform widely varying tasks for schools and districts, such as data storage, educational games, learning management systems, attendance tracking, and many other school functions.²⁶ The privacy protections that each company must implement can vary based on the type and sensitivity of student data they hold and how it is collected, used, or shared.²⁷ Contracting individually with each service provider to ensure this protection is often extremely difficult for both district school boards and companies.²⁸

The Student Online Personal Information Protection Act²⁹ resolves this problem by substantially restricting the operator of a website, online service, or online application that is used for K-12 school purposes from collecting, disclosing, or selling student data, or from using student data to engage in targeted advertising.³⁰ Any violation of the Act is a deceptive and unfair trade practice and constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act, part II of chapter 501. The Department of Legal Affairs is the sole entity authorized to bring an enforcement action against an entity that violates the Act.³¹

An SBE rule requires that all contracts or agreements executed by or on behalf of a school district or charter school with a third-party vendor or a third-party service provider must protect the privacy of education records and a student's personally identifiable information contained therein.³² Any agreement that provides for the disclosure or use of student's personally

²⁵ Section 1001.49(3), F.S.

²⁶ Student Privacy Compass, *The First National Model Student Data Privacy Agreement Launches*, <https://studentprivacycompass.org/the-first-national-model-student-data-privacy-agreement-launches/> (last visited Nov. 10, 2023).

²⁷ Student Privacy Compass, *The First National Model Student Data Privacy Agreement Launches*, <https://studentprivacycompass.org/the-first-national-model-student-data-privacy-agreement-launches/> (last visited Nov. 10, 2023).

²⁸ Student Privacy Compass, *The First National Model Student Data Privacy Agreement Launches*, <https://studentprivacycompass.org/the-first-national-model-student-data-privacy-agreement-launches/> (last visited Nov. 10, 2023).

²⁹ Section 1006.1494, F.S.

³⁰ Section 1006.1494, F.S.

³¹ Section 1006.1494(7), F.S.

³² Rule 6A-1.09550(4)(a), F.A.C.

identifiable information must require vendors to ensure compliance with the Student Online Personal Information Protection Act.³³

District Guidance Report

Each district school board is required to annually submit a district guidance report to the commissioner by June 30.³⁴ The guidance report must include:³⁵

- Examination of student access to certified school counselors.
- Degree to which a district has adopted or implemented a guidance model program.
- Evaluation of the information and training available to certified school counselors and career specialists to advise students on areas of critical need, labor market trends, and technical training requirements.
- Progress toward incorporation of best practices for advisement as identified by the department.
- Consideration of alternative guidance systems or ideas, including, but not limited to, a teacher-advisor model, mentoring, partnerships with the business community, web-based delivery, and parental involvement.
- A guidance plan for the district.

This report is no longer necessary as district school boards provide this information in their annual Mental Health Assistance Allocation Plan and the Mental Health Assistance Allocation Outcomes and Expenditures Report.³⁶

Reflective Tape

District school boards are required to post high-visibility reflective signage on the rear of each school bus in which a school bus infraction detection system is installed and operational.³⁷ The signage must be in the form of one or more signs or stickers and must contain, in the same form:

- The words “STOP WHEN RED LIGHTS FLASH” or “DO NOT PASS WHEN RED LIGHTS FLASH.”
- The words “CAMERA ENFORCED.”
- A graphic depiction of a camera.

Effect of Proposed Changes

State-Level Regulation

The bill modifies s. 1001.02, F.S., to clarify that the SBE is authorized to adopt rules within statutory authority as specifically provided in law.

The bill expands s. 1001.23, F.S., to add to the specific powers and duties of the DOE. The additional requirements may provide clarity to district school boards in the implementation of state law. The bill requires the DOE to annually:

³³ Rule 6A-1.09550(4)(a)3., F.A.C.

³⁴ Section 1006.025(1), F.S.

³⁵ Section 1006.025(2), F.S.

³⁶ Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf, at 17.

³⁷ Section 316.173(2)(a), F.S.

- By August 1, inform district school superintendents that they may receive a declaratory statement pursuant to the APA regarding the DOE's opinion as to the applicability to a school district of a statutory or rule provision as it applies to the district's particular set of circumstances.
- Maintain and make available to school districts a list of all requirements in statute and rule relating to required actions by district school boards or superintendents. The list must include, but is not limited to, required parent notifications; information that must be posted to the district website; and reporting, filing, and certification requirements.

District School Board Policy

The bill modifies s. 120.81, F.S., to provide that district school boards are not subject to the requirements for rules in the APA when exercising their powers and duties identified in the Education Code to formulate policy with public input at a public meeting. This will provide consistency and clarity in the manner of district school board policy development.

General Powers of District School Superintendent

The bill amends s. 1001.49, F.S., to authorize the district school board to delegate to the superintendent the authority to establish a process for the review and approval of district-wide policies and procedures to improve efficiency. This may allow the school board and the superintendent to be more responsive to the needs of students.

Student Online Personal Information Protection Act

The bill modifies s. 1006.1494, F.S., to clarify that nothing in the Student Online Personal Information Protection Act requires a K-12 school, school district, or district school board to include any additional provisions in contracts with operators or vendors.

District Guidance Report

The bill repeals s. 1006.025, F.S., relating to the requirement for district school boards to submit to the commissioner a district guidance report.

Reflective Tape

The bill modifies s. 316.173, F.S., to provide flexibility to district school boards to post signage on the rear of each school bus in which a school bus infraction detection system is installed and operational that is not high-visibility reflective signage. Without this revision, district school boards that install school bus infraction detection systems will incur costs to replace current signage with highly reflective material.³⁸

Finance and Budget

Present Situation

The Florida Legislature established the Florida Education Finance Program (FEFP) in 1973 to equalize funding for educational programs and services for all students in the K-12 public school

³⁸ Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf, at 10.

system, regardless of geographic or local economic factors.³⁹ The FEFP is the primary mechanism for funding the operating costs of Florida school districts.⁴⁰

Charter schools also receive funding through the FEFP. Students enrolled in a charter school, regardless of the sponsorship, are funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in a school district.⁴¹

Emergency Make-up Days

To receive state funding through the FEFP, district school boards are required to meet minimum requirements, including operating all schools for a term of 180 actual teaching days or the equivalent on an hourly basis each school year.⁴² The SBE may alter this requirement during a national, state, or local emergency as it may apply to an individual school or schools in any district or districts if, in the opinion of the SBE, it is not feasible to make up lost days or hours.⁴³ The apportionment from the FEFP may, at the discretion of the commissioner, and if the board determines that the reduction of school days or hours is caused by the existence of a bona fide emergency, be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools.⁴⁴

Equity in School-Level Funding

Title I of the Elementary and Secondary Education Act of 1965 (ESEA),⁴⁵ as amended by the Every Student Succeeds Act of 2015,⁴⁶ is a federal funding program to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.⁴⁷ For the 2022-2023 fiscal year, Florida received approximately \$1.01 billion for Title I programs.⁴⁸

Part A of Title I focuses on improving basic programs operated by local educational agencies, including district school boards.⁴⁹

District school boards must allocate Title I-A funds first to serve schools in areas with poverty rates of at least 75 percent, or 50 percent for high schools.⁵⁰ If funds remain, the school board may serve schools in rank order according to the percentage of children from low-income families in the area, but a school board may only serve schools in areas with a poverty rate of

³⁹ Section 1011.62, F.S.; Florida Department of Education, *2022-23 Funding for Florida School Districts*, (2022), available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>, at 4.

⁴⁰ *Id.*

⁴¹ Section 1002.33(17), F.S.

⁴² Section 1011.60(2), F.S.

⁴³ Section 1011.60(2), F.S.

⁴⁴ Section 1011.60(2), F.S.

⁴⁵ Pub. L. No. 89-10, 79 Stat. 27 (Apr. 11, 1965).

⁴⁶ Pub. L. 114-95, 129 Stat 1802 (Dec. 10, 2015).

⁴⁷ 20 U.S.C. s. 6301.

⁴⁸ Florida Department of Education, *Finance Data Base: Fiscal Year 2022-2023*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/StateTotalBUD2223.pdf>, at 8.

⁴⁹ 20 U.S.C. s. 6311, et. seq. Local educational agencies are public boards of education and include district school boards. 34 C.F.R. s. 303.23.

⁵⁰ 20 U.S.C. s. 6313(a)(3).

less than 35 percent if the per student allocation of state and local funds is 125 percent greater than the per student amount received under Title I-A.⁵¹

Florida law limits the threshold for identifying eligible schools to the threshold established by a district school board for the 2016-2017 school year or the statewide percentage of economically disadvantaged students, as determined annually, which was 56.6 percent⁵² in 2021.⁵³

Prior to the allocation of Title I funds to eligible schools, Florida law authorizes a district school board to withhold funds only as follows:⁵⁴

- One percent for parent involvement, in addition to the one percent the district must reserve under federal law for allocations to eligible schools for parent involvement;
- A necessary and reasonable amount for administration which includes the district's indirect cost rate, not to exceed a total of ten percent;
- A reasonable and necessary amount to provide:
 - Homeless programs;
 - Delinquent and neglected programs;
 - Prekindergarten programs and activities;
 - Private school equitable services; and
 - Transportation for foster care children to their school of origin or choice programs; and
- A necessary and reasonable amount, not to exceed one percent, for eligible schools to provide educational services in accordance with the approved Title I plan.

Title I also authorizes district school boards to provide up to five percent of the Title I-A allocation to provide financial incentives and rewards to teachers who serve in eligible schools that are identified for comprehensive support and improvement activities or targeted support and improvement activities for the purpose of attracting and retaining qualified and effective teachers.⁵⁵ The DOE requires all recruitment, retention, and reward incentives under the ESEA, including Title I-A and Title II⁵⁶, to be based on the state value-added model or an alternative state-approved student growth model.⁵⁷

The grades and subject areas for which value added student growth models are available are limited by available student growth measurements.⁵⁸ Any alternative state-approved student growth model is required to identify the student assessment tool used to calculate the growth model and assure that it measures at least a one year snapshot of student growth. For example,

⁵¹ 34 C.F.R. s. 200.78(b).

⁵² FLHealthCharts, *Elementary School Students Eligible for Free/Reduced Lunch*, <https://www.flhealthcharts.gov/ChartsDashboards/rdPage.aspx?rdReport=NonVitalIndNoGrp.Dataviewer&cid=497> (last visited Nov. 8, 2023).

⁵³ Section 1011.69(4), F.S.

⁵⁴ Section 1011.69(4)(a), F.S.

⁵⁵ 20 U.S.C. s. 6313(c)(4).

⁵⁶ Florida's Title II allocation was approximately \$103.6 million for the 2022-2023 fiscal year. Florida Department of Education, *Finance Data Base: Fiscal Year 2022-2023*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/StateTotalBUD2223.pdf>, at 8.

⁵⁷ Florida Department of Education, K12 ESEA Federal Programs, 2023-24 *Elementary and Secondary Education Act (ESEA) Federal Programs Application Companion Guide*, available at <https://www.floridacims.org/downloads>, at 61.

⁵⁸ Florida VAM Course List 6A-5.0411, incorporated by reference in Rule 6A-5.0411, F.A.C., available at <https://www.flrules.org/gateway/reference.asp?No=Ref-14061>.

the pre- and post-measurement should be at least seven months apart and should demonstrate an average of at least a year's worth of growth. These requirements limit the subjects and grades in which these measurements are available.

Under the ESEA, the state education agency must liquidate all obligations incurred under the Federal award not later than 120 calendar days after the end date of the period of availability. Under section 412(b) of the General Education Provisions Act⁵⁹, also known as the Tydings Amendment, grants issued for a fiscal year may be made available for obligation on the basis of an academic or school basis.⁶⁰ As a result of these requirements, many Federal programs – including the Title I, Title II,⁶¹ and Title III⁶² programs – have a total period of availability of 27 months (from July 1st of the award year to September 30th of the carryover year) and a subsequent liquidation period of 120 days (October 1st through approximately January 28).⁶³ In addition, a state educational agency is required to award each subgrant for school improvement for a period of not more than 4 years, which may include a planning year.⁶⁴

School District Fiscal Transparency

District school boards are required to post on their websites a plain language version of each proposed, tentative, and official budget which describes each budget item in terms that are easily understandable to the public and includes a link to the web-based fiscal transparency tool developed by the DOE to enable taxpayers to evaluate the financial efficiency of the school district and compare the financial efficiency of the school district with other similarly situated school districts.⁶⁵ The plain language version must also include graphical representations of:⁶⁶

- Summary financial efficiency data.
- Fiscal trend information for the previous 3 years on:
 - The ratio of full-time equivalent students to full-time equivalent instructional personnel.
 - The ratio of full-time equivalent students to full-time equivalent administrative personnel.
 - The total operating expenditures per full-time equivalent student.
 - The total instructional expenditures per full-time equivalent student.
 - The general administrative expenditures as a percentage of total budget.
 - The rate of change in the general fund's ending fund balance not classified as restricted.

⁵⁹ Pub. L. No. 90-247.

⁶⁰ 20 U.S.C. s. 1225b.

⁶¹ Title II of the ESEA provides grants to state educational agencies and subgrants to local educational agencies to increase student achievement consistent with the challenging State academic standards; improve the quality and effectiveness of teachers, principals, and other school leaders; increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and provide low-income and minority students greater access to effective teachers, principals, and other school leaders. 20 U.S.C. s. 6601.

⁶² Title III of the ESEA is the English Language Acquisition, Language Enhancement, and Academic Achievement Act. 20 U.S.C. s. 6811.

⁶³ US Department of Education, *Florida Consolidated Performance Review Report FY 2023*, available at <https://oese.ed.gov/files/2023/04/FDOE-2023-Performance-Report.pdf>, at 11.

⁶⁴ 20 U.S.C. s. 6303(c).

⁶⁵ Section 1011.035(2), F.S.

⁶⁶ Section 1011.035(2)(a), F.S.

The district school board website should contain links to:⁶⁷

- Help explain or provide background information on various budget items that are required by state or federal law.
- Allow users to navigate to related sites to view supporting details.
- Enable taxpayers, parents, and education advocates to send e-mails asking questions about the budget and enable others to view the questions and responses.

Charter schools are exempt from these requirements.⁶⁸

Financial Accounting and Expenditures

All funds accruing to a school district must be received, accounted for, and expended in compliance with state laws and rules of the SBE.⁶⁹ For example, district school boards are prohibited from using funds to purchase transportation equipment and supplies at prices which exceed those determined by the DOE to be the lowest which can be obtained.⁷⁰ At least monthly, school district superintendents are required to submit a financial statement to the DOE in a format specified by the school board.⁷¹

Charter schools are exempt from this requirement.⁷²

Cost Accounting and Reporting

Each school district must account for expenditures of all state, local, and federal funds on a school-by-school and a district-aggregate basis in accordance with the manual developed by the DOE or as provided by law.⁷³ Each district must report on a district-aggregate basis expenditures for inservice training and categorical programs; and on a school-by-school basis and aggregate district basis for each program funded by the state for the operation of schools, total operating costs, and expenditures for classroom instruction.⁷⁴ The DOE is required to categorize all public schools and districts into appropriate groups based primarily on average FTE student enrollment, calculate specified expenditure information for each public school, school district, and the state; and develop a web-based fiscal transparency tool that identifies public schools and districts that produce high academic achievement based on the ratio of classroom instruction expenditures to total expenditures.⁷⁵ Generally, the DOE will communicate with the school district with monitoring questions or concerns regarding the cost reports, including questions regarding charter school expenditures. The commissioner must present to the Legislature a district-by-district report of the expenditures reported.⁷⁶

⁶⁷ Section 1011.035(4), F.S.

⁶⁸ Section 1002.33(16), F.S.

⁶⁹ Section 1010.02, F.S.

⁷⁰ Section 1011.68(4), F.S.

⁷¹ Rules 6A-1.008, F.A.C.

⁷² Section 1002.33(16), F.S.

⁷³ Section 1010.20(1), F.S. Florida Department of Education, *Financial & Program Cost Accounting & Reporting For Florida Schools*, <https://www.fldoe.org/finance/fl-edu-finance-program-fefp/financial-program-cost-accounting-repo.html> (last visited Nov. 08, 2023).

⁷⁴ Section 1010.20(2)(a)-(b), F.S.

⁷⁵ Section 1010.20(c), F.S.

⁷⁶ Section 1010.20(d), F.S.

All district school boards are required to conduct an annual financial audit of their accounts and records.⁷⁷ School districts receiving annual federal, state, and local funds in excess of \$500 million are required to employ an internal financial auditor.⁷⁸

Effect of Proposed Changes

Emergency Make-up Days

The bill modifies s. 1011.60, F.S., to remove the required threshold of infeasibility that a district school board must demonstrate in order to be released from making up days lost because of a bona fide emergency. This may provide more flexibility to district school boards in determining whether the additional days are necessary for students to learn the required academic standards.

Equity in School-Level Funding

The bill modifies s. 1011.69, F.S., to remove the provision that prohibits a school district from exceeding the poverty threshold established by a school district for the 2016-2017 school year, or the statewide percentage of economically disadvantaged students determined annually. This may afford discretion to the district school board to focus services on the schools with the highest needs.

The bill also removes the cap of one percent of Title I funds that a district may withhold to provide district educational services to Title I schools. This may provide flexibility for a district school board to leverage district resources to provide programs across all eligible schools, including eligible charter schools.

The bill authorizes district school boards to utilize up to 5 percent of its Title I allocation to provide financial incentives and rewards to teachers who serve students in Title I schools identified for comprehensive support and improvement activities or targeted support and improvement activities, for the purpose of attracting and retaining qualified and effective teachers, including teachers of any subject or grade level for whom a state-approved measurement of student performance is unavailable.

The bill clarifies that the DOE must make funds from Title I, Title II, and Title III programs available to local education agencies for the full period of availability provided in federal law. This may provide stability for district school boards in the implementation of Title I services.

School District Fiscal Transparency

The bill modifies s. 1011.035, F.S., to remove the requirement that the plain language of the school board budget posted on its website include graphical representations of the budget. The bill also removes the requirement that the links on the school board website:

- Help explain or provide background information on various budget items that are required by state or federal law.
- Allow users to navigate to related sites to view supporting details.

⁷⁷ Section 218.39(1), F.S.

⁷⁸ Section 1001.42(12)(l), F.S.

Financial Accounting and Expenditures

The bill amends s. 1010.02, F.S., by requiring the SBE to adopt rules to establish criteria for determining the financial status of school districts for financial reporting. The bill specifies that a school district identified in SBE rule as having a financial concern would be required to submit monthly financial reports. Additionally, the bill specifies that a school district not identified in SBE rule as having a financial concern may be required to submit financial reports no more often than once every quarter.

Cost Accounting and Reporting

The bill amends s. 1010.20, F.S., by requiring charter schools to receive and respond to monitoring questions from the DOE regarding the charter school's cost report. This amendment allows charter schools to communicate directly with the DOE and relieves school districts from being an intermediary between the DOE and charter schools.

The bill modifies s. 1011.68, F.S., to remove the restriction on district school boards purchasing transportation supplies at a cost lower than the cost established by the DOE.

The bill modifies s. 1001.42, F.S., to remove the requirement that school districts receiving annual federal, state, and local funds in excess of \$500 million employ an internal financial auditor. All school districts are required to have an annual financial audit.

Facilities Planning

Present Situation

District School Board Educational Facilities Plans

Annually, prior to the adoption of the district school budget, each district school board is required to prepare a tentative district educational facilities plan that includes long-range planning for facilities needs over 5-year, 10-year, and 20-year periods. Florida law enumerates specific requirements that the district school board must evaluate at over the course of the plan, including for 5-year, 10-year, and 20-year periods.⁷⁹

The plan is required to include a financially feasible district facilities work program for a 5-year period. The work program is required to include:⁸⁰

- A schedule of major repair and renovation projects necessary to maintain the educational facilities and ancillary facilities of the district.
- A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs, with detailed specifications set forth in state law.
- The projected cost for each project identified in the district facilities work program, including a schedule of cost comparisons for the planned cost of each new student station compared with the low, average, and high cost of facilities constructed throughout the state.

⁷⁹ Section 1013.35(2)(a), F.S.

⁸⁰ Section 1013.35(2)(b), F.S.

- A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the district facilities work program.
- A schedule indicating which projects included in the district facilities work program will be funded from current revenues.
- A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the district facilities work program which are not funded with currently approved revenue sources.
- Prototype construction and design to be used for the construction of two or more new schools for students in the same grade group and program, such as elementary, middle, or high school.⁸¹

To the extent available, the tentative district educational facilities plan is required to be based on information produced by the state demographic, revenue, and education estimating conferences.⁸² Not less than once every 5 years, the district school board must have an audit conducted of the board's educational planning and construction activities. An operational audit conducted by the Auditor General satisfies this requirement.⁸³

Annually, the district school board is required to consider and adopt the tentative district educational facilities plan. The adopted district educational facilities plan must:⁸⁴

- Be a complete, balanced, and financially feasible capital outlay financial plan for the district.
- Set forth the proposed commitments and planned expenditures of the district to address the educational facilities needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities, including safe access ways from neighborhoods to schools.

Charter schools share in district school board capital outlay funding but are not subject to any of the facilities plan requirements.⁸⁵

Educational Plant Survey

Florida law includes systemwide definitions related to educational facilities.⁸⁶ An “educational plant survey” is a systematic study of present educational and ancillary plants and the determination of future needs to provide an appropriate educational program and services for each student based on projected capital outlay FTE's approved by the DOE.⁸⁷ The “educational plant” comprises the educational facilities, site, and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the educational program of each plant.⁸⁸

⁸¹ Section 1013.45(4), F.S.

⁸² Section 1013.35(2)(c), F.S.

⁸³ Section 1013.35(2)(f), F.S.

⁸⁴ Section 1013.35(4), F.S.

⁸⁵ Sections 1002.33(16)-(17) and 1013.62, F.S.

⁸⁶ See s. 1013.01, F.S.

⁸⁷ Section 1013.01, F.S.

⁸⁸ Section 1013.01(7), F.S.

“Educational facilities” are the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community.⁸⁹ “Auxiliary facilities” are the spaces located at educational plants which are not designed for student occupant stations.⁹⁰ The “ancillary plant” is comprised of the building, site, and site improvements necessary to provide such facilities as vehicle maintenance, warehouses, maintenance, or administrative buildings necessary to provide support services to an educational program.⁹¹

At least every 5 years, each board⁹² is required to arrange for an educational plant survey to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan.⁹³ The plant survey and the facilities work program are reviewed in the preparation of interlocal agreements between school boards and local governments.⁹⁴

A survey recommendation is not required when a district uses local funds for educational, auxiliary, and ancillary plant capital outlay purposes.⁹⁵ Even though the recommendation may not be required, the school district’s survey must be submitted as a part of the district educational facilities plan.⁹⁶

The DOE is required to conduct an onsite review of 5 percent of the facilities reported for each school district completing a new survey that year.⁹⁷ If the DOE’s review finds the data reported by a district is less than 95 percent accurate, within 1 year from the time of notification by the DOE the district must submit revised reports correcting its data. If a district fails to correct its reports, the commissioner may direct that future fixed capital outlay funds be withheld until such time as the district has corrected its reports so that they are not less than 95 percent accurate.⁹⁸

The DOE is also annually required to perform an in-depth analysis of a representative sample of each survey of recommended needs for 5 districts selected by the commissioner from among districts with the largest need-to-revenue ratio. The need-to-revenue ratio is determined by dividing the total 5-year cost of projects listed on the district survey by the total 5-year fixed capital outlay revenue projections from state and local sources as determined by the DOE.⁹⁹ The commissioner is authorized to direct fixed capital outlay funds provided from general revenue or

⁸⁹ Section 1013.01(6), F.S.

⁹⁰ Section 1013.01(2), F.S.

⁹¹ Section 1013.01(1), F.S.

⁹² “Board,” unless otherwise specified, means a district school board, a Florida College System institution board of trustees, a state university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind. Section 1013.01(3), F.S. It does not include charter school governing boards.

⁹³ Section 1013.31(1), F.S.

⁹⁴ Section 163.3177(2)(e)-(f) and (4), F.S.

⁹⁵ *Id.* at (a) and (d).

⁹⁶ Section 1013.31(1)(c)1., F.S.

⁹⁷ Section 1013.31(1)(c)1., F.S.

⁹⁸ Section 1013.31(1)(c)1., F.S.

⁹⁹ Section 1013.31(1)(d), F.S.

from state trust funds to be withheld from districts until such time as the survey accurately projects facilities needs.¹⁰⁰

District school boards are required to periodically update their inventory of educational facilities as new capacity becomes available and as unsatisfactory space is eliminated.¹⁰¹

Unused District School Board Property

A district school board may dispose of any land or real property determined to be unnecessary for educational purposes as recommended in an educational plant survey. The board must take measures to dispose of such property in the best interests of the public.¹⁰² Surplus tangible personal property classified as such by a district school board shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving such property cannot sell or dispose of it without the written permission of the school district.¹⁰³

District school boards are required to annually provide the DOE with the number of vacant classrooms that they do not intend to use or project will not be needed for educational purposes in the following school year. This information is part of the school board's 5-year work plan. The DOE may then recommend that a district make such space available to an appropriate charter school.¹⁰⁴

By January 1 each year, the DOE must provide district school boards with a list of all underused, vacant, or surplus facilities owned or operated by the school district, as reported in the Florida Inventory of School Houses.¹⁰⁵ School boards have 30 days to report any errors or omissions. By April 1, the Department updates and publishes a final list based on information provided by each school district. A "school of hope" may use an educational facility identified on this list at no cost or at a mutually agreeable cost not to exceed \$600 per student. If a "school of hope" uses such a facility, it cannot sell or dispose of it without the written permission of the school district.¹⁰⁶

Cost Per Student Station Limitation

In Florida, construction costs for traditional K-12 public school facilities are reported based on the cost per student station.¹⁰⁷ In 2005, the DOE conducted a study on overall inflation of school construction costs, including the Consumer Price Index (CPI) and other factors. The cost per student station levels adopted in 2006 were based on the DOE's study recommendations and is adjusted to reflect increases and decreases in the CPI.¹⁰⁸ The DOE and the Office of Economic

¹⁰⁰ Section 1013.31(1)(d), F.S.

¹⁰¹ Section 1013.31(1)(e), F.S.

¹⁰² Section 1013.28(1)(a), F.S.

¹⁰³ Section 1013.28(2)(a), F.S.

¹⁰⁴ Section 1002.33(18)(g), F.S.

¹⁰⁵ Section 1002.333(7)(d), F.S.

¹⁰⁶ Section 1002.333(7)(d), F.S.

¹⁰⁷ Section 1013.64(6), F.S.

¹⁰⁸ Office of Economic and Demographic Research, *Review of Florida's Cost Per Student Station* (January 2017), available at <http://edr.state.fl.us/content/special-research-projects/education/CostPerStudentStation.pdf>, at 6.

and Demographic Research (EDR)¹⁰⁹ are required to work together to calculate and disseminate new statutory caps.¹¹⁰

The forecast by EDR for the July 2023 cost per student station limits are:¹¹¹

- \$27,455 for an elementary school.
- \$29,648 for a middle school.
- \$38,511 for a high school.

Except for certain educational facilities and sites subject to a lease-purchase agreement that may be paid for by a district school board levy,¹¹² or funded solely through local impact fees, a district school board may not use funds from any sources for new construction of educational plant space with a total cost per student station that exceeds these amounts.¹¹³ The cost per student station includes, for example, contract costs, fees of architects and engineers, and the cost of furniture and equipment.¹¹⁴ The cost per student station specifically does not include the cost of purchasing or leasing the site for the construction, legal and administrative costs, the cost of related site or offsite improvements, and costs for school safety and hardening items and other capital construction items approved by the school safety specialist to ensure building security for new educational, auxiliary, or ancillary facilities.¹¹⁵

An unfinished construction project for new construction of educational plant space that was started on or before July 1, 2026, is exempt from the total cost per student station requirements.¹¹⁶

State Requirements for Educational Facilities

Florida school construction is guided by three major authorities. The Florida Building Code governs all construction in the state and is administered by the Florida Building Commission at the Department of Business and Professional Regulation.¹¹⁷ The Florida Building Code includes specifications for enhanced hurricane protection areas and electrical and standby emergency power systems.¹¹⁸ The Florida Fire Prevention Code is administered by the Division of State Fire Marshal, Department of Financial Services. The third major authority governing school construction in the state is the State Requirements for Educational Facilities (SREF), which is

¹⁰⁹ The Office of Economic and Demographic Research is a research arm of the Legislature principally concerned with forecasting economic and social trends that affect policy making, revenues, and appropriations. Office of Economic and Demographic Research, *Welcome*, <http://edr.state.fl.us/Content/> (last visited January 26, 2023).

¹¹⁰ Section 1013.64(6)(b)1., F.S.

¹¹¹ Office of Economic and Demographic Research, *Student Station Cost Factors* (July 2022), available at <http://edr.state.fl.us/Content/conferences/peco/studentstation.pdf>.

¹¹² Section 1011.71(2)(e), F.S., sets forth the guidelines for authorized district school board lease-purchase agreements.

¹¹³ Section 1013.64(6)(b)3., F.S.

¹¹⁴ Section 1013.64(6)(d), F.S.

¹¹⁵ Section 1013.64(6)(d), F.S. Such safety improvements include the cost for securing entries, checkpoint construction, lighting specifically designed for entry point security, security cameras, automatic locks and locking devices, electronic security systems, fencing designed to prevent intruder entry into a building, or bullet-proof glass. *Id.*

¹¹⁶ Section 1013.64(6)(e), F.S.

¹¹⁷ Section 553.73, F.S. The Florida Building Code, 7th Edition (2020) has been adopted by the Florida Building Commission. Rule 61G20-1.001, F.A.C.

¹¹⁸ Sections 453.25.1.1 and 453.25.5, Florida Building Code, 7th Edition (2020).

maintained by the DOE.¹¹⁹ The requirements of the three authorities tend to increase the cost of construction in the state relative to national averages.¹²⁰ Charter schools are not required to comply with SREF.¹²¹

The SREF is the uniform statewide building code for the planning and construction of public educational facilities and ancillary plants.¹²² District school boards must adhere to the SREF when planning and constructing new facilities. Generally, SREF standards are premised on providing enhanced safety for occupants and increasing the life span of the extensive, publicly funded infrastructure of Florida's public school districts.¹²³ Florida law provides school districts with the flexibility to adopt, through resolution, a number of exceptions to SREF requirements. Exceptions include, for example, specifications for site lighting or the use of wood studs in interior nonload-bearing walls.¹²⁴

The DOE, in consultation with school boards and county and state emergency management offices, is required to develop public shelter design criteria that are incorporated as standards into the Florida Building Code. These criteria must be designed to ensure that appropriate new educational facilities can serve as public shelters for emergency management purposes.¹²⁵

If a regional planning council in which the county is located does not have a hurricane evacuation shelter deficit as determined by the Division of Emergency Management, educational facilities within the planning council region are not required to incorporate the public shelter criteria.¹²⁶ By January 31 of each even-numbered year, the Division of Emergency Management must prepare and submit a statewide emergency shelter plan to the Governor and Cabinet for approval.¹²⁷

In addition to the requirement to construct emergency shelters as needed, district school boards in an emergency area are required to provide facilities and necessary personnel to staff such facilities.¹²⁸

¹¹⁹ Rule 6A-2.0010, F.A.C.

¹²⁰ Florida Department of Education, *Review and Adjustment for Florida's Cost per Student Station* (January 1, 2020), available at <http://www.fl DOE.org/core/fileparse.php/7738/urlt/2020AnnCSSR.pdf>, at 14.

¹²¹ Section 1002.33(18), F.S.

¹²² The State Requirements for Educational Facilities (SREF) is incorporated in Rule 6A-2.0010, F.A.C., is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04664>. The SREF is applicable to all public educational facilities and plants: pre-kindergarten (pre-K) through grade 12, including conversion charter schools; area vocational educational schools; area vocational/technical centers; adult education; Florida colleges and universities; the Florida School for the Deaf and the Blind (FSDB), where referenced; ancillary plants; relocatables; factory-built structures, reconstructable facilities, modular buildings and manufactured buildings; lease and lease-purchase; and new construction, remodeling, renovation, improvements and site-development projects. *Id.* The SREF does not apply to charter schools. Section 1002.33(18), F.S.

¹²³ See, e.g., s. 1013.12, F.S. (casualty, safety, sanitation, and fire safety standards and inspection of property) and s. 1013.451, F.S. (life-cycle cost comparison).

¹²⁴ See s. 1013.385(2), F.S.

¹²⁵ Section 1013.372(1), F.S.

¹²⁶ *Id.*

¹²⁷ Section 1013.372(2), F.S.

¹²⁸ Section 252.38(1)(d), F.S.

Educational Facilities Contracting and Construction Techniques

District school boards may employ procedures to contract for construction of new facilities, or for additions, remodeling, renovation, maintenance, or repairs to existing facilities, which include, but are not limited to, day-labor contracts not exceeding \$280,000 for construction, renovation, remodeling, or maintenance of existing facilities. This amount is adjusted annually based upon changes in the Consumer Price Index.¹²⁹ A "day-labor contract" means a project constructed using persons employed directly by a board or by contracted labor.¹³⁰

District school boards are required to use the services of a registered architect for the development of plans for the erection, enlargement, or alteration of any educational facility.¹³¹ The services of a registered architect are not required, however, for a minor renovation project for which the construction cost is less than \$50,000 or for the placement or hookup of relocatable educational facilities.¹³²

District school boards may authorize the superintendent or president or other designated individual to approve change orders in the name of the board for preestablished amounts.¹³³ Approvals must be for the purpose of expediting the work in progress and be reported to the board and entered in its official minutes. The district school board is required to monitor and report the impact of change orders on its district educational facilities plan.¹³⁴

District school boards are required to compare the following life-cycle costs of materials used by competing providers when constructing or expanding school capacity:¹³⁵

- The anticipated annual energy consumption;
- The relative resistance to damage by wind loads and associated debris;
- The resistance to wood-destroying organisms;
- The perpetual maintenance costs;
- The resistance to fire; and
- A comparison of the annual insurance costs.

District school boards are authorized to purchase, own, convey, sell, lease, or encumber airspace or any other interests in property above the surface of the land, provided the lease of airspace for nonpublic use is for such reasonable rent, length of term, and conditions as the board in its discretion may determine.¹³⁶ Proceeds from the alienation of airspace are required to be used for the renovation of existing facilities or construction of new facilities.¹³⁷

District school boards are required to reduce the use of relocatables, and the Office of Educational Facilities within the DOE is required to monitor school board facilities work

¹²⁹ Section 1013.45(1)(e), F.S.

¹³⁰ Section 1013.45(2), F.S.

¹³¹ Section 1013.45(4), F.S.

¹³² Section 1013.45(4), F.S.

¹³³ Section 1013.48, F.S.

¹³⁴ Section 1013.48, F.S.

¹³⁵ Section 1013.451(1), F.S.

¹³⁶ Section 1013.19, F.S.

¹³⁷ Section 1013.19, F.S.

programs to measure the district commitment in reducing the use of relocatables.¹³⁸ District school boards are required to submit to state leadership annual progress reports on a plan for the use of existing relocatables.¹³⁹ Relocatables that fail to meet standards for relocatables after completion of the approved plan may not be used as classrooms.

School boards may rent or lease educational facilities for one year or less, which should be funded through the operations budget or millage proceeds.¹⁴⁰ Extensions or renewals of such leases become multiple-year leases and can also be funded through operational funds or millage proceeds.¹⁴¹

A district school board may construct or place educational facilities and ancillary facilities on land that is owned by any person after the board has acquired from the owner of the land a long-term lease for the use of this land for a period of not less than 40 years or the life expectancy of the permanent facilities constructed thereon, whichever is longer.¹⁴² Construction of educational facilities funded through an educational facilities benefit district or community development district is also subject to the minimum lease term requirement.¹⁴³

Effect of Proposed Changes

District School Board Educational Facilities Plans

The bill amends s. 1013.35, F.S. to replace the specifically enumerated requirements for school board educational facilities plans and work programs with the general requirement that each school board adopt a facilities plan to meet the needs of the district, with public participation. The bill maintains the required 5-year audit of the board's educational planning and construction activities, and maintains the requirements for the general balanced nature of the plans, developed through public participation and local cooperation.

The bill makes corresponding changes in ss. 1013.41 and 1013.68, F.S., to reflect the removal of the requirement for district school boards to include a specific 5-year work program in the school board educational facilities plan.

These changes may bring district school boards closer to the operational flexibility of charter schools, which typically have more autonomy in facility planning and management.

Educational Plant Survey

The bill modifies s. 1013.31, F.S., to remove the requirement for each district school board to complete an educational plant survey. Accordingly, the bill also removes the requirements for the DOE to review and analyze educational plant surveys submitted by district school boards. The bill makes conforming changes in s. 1013.64, F.S.

¹³⁸ Section 1013.21, F.S.

¹³⁹ Section 1013.20(1), F.S.

¹⁴⁰ Section 1013.15(2)(a), F.S.

¹⁴¹ Section 1013.15(2)(a), F.S.

¹⁴² Section 1013.16, F.S.

¹⁴³ Section 1013.356, F.S.

To enable the distribution of state funds for fixed capital outlay purposes, the bill maintains the requirement for district school boards to periodically update their inventory of educational facilities as new capacity becomes available and as unsatisfactory space is eliminated. The bill authorizes the commissioner to condition state fixed capital outlay funds on a district school board's submission of an educational plant survey that accurately projects facilities needs as indicated by the Florida Inventory of School Houses, as compared with the district's capital outlay full-time equivalent enrollment.

Unused District School Board Property

The bill amends ss. 1002.33, 1002.333, and 1013.28, F.S., to remove the requirements that surplus school board property be provided for a charter school's use on the same basis as it is made available to other public schools in the district.

Cost Per Student Station Limitation

The bill modifies s. 1013.64, F.S., to make the cost per student station exemption permanent and remove cost per student station limitations on district school board construction projects. This may enable district school boards to construct facilities that better meet the needs of its students. The bill makes a conforming change in s. 1013.356, F.S., to remove the cost per student station limitation for facilities projects funded by an educational facilities benefit district or community development district.

State Requirements for Educational Facilities

The bill amends s. 1013.385, F.S., to clarify the authority of district school boards to adopt exceptions to SREF, provided that any exceptions to requirements for public shelter design criteria, when applicable, remain subject to the concurrence of the applicable local emergency management agency or the Florida Division of Emergency Management.

The bill also modifies s. 252.38, F.S., to replace the requirement for district school boards to staff emergency facilities with the requirement to provide staff to access such facilities.

Educational Facilities Contracting and Construction Techniques

The bill modifies s. 1013.45, F.S., to authorize district school boards to employ day-labor contracts without limits on the amount of the contract. The bill also removes the requirement for school boards to employ an architect for the erection, enlargement, or alteration of any educational facility in which the cost of construction is at least \$50,000. District school boards would follow requirements for the use of architects as specified in applicable building codes.

To align with the flexibility provided for district school board educational facilities plans, the bill modifies s. 1013.48, F.S., to remove the requirement for the school board to monitor and report the impact of change orders on its district educational facilities plan.

The bill repeals s. 1013.451, F.S., to remove the requirement for school boards to compare specific life-cycle costs of materials used by competing providers when constructing or expanding school capacity.

The bill modifies s. 1013.19, F.S., to remove the requirement that proceeds from the sale or lease of airspace by school boards must be used for fixed capital outlay.

The bill modifies ss. 1013.20 and 1013.21, F.S., to remove outdated requirements regarding the reduction in relocatables and the annual progress report on relocatables.

The bill also modifies s. 1013.15, F.S., to broaden the scope of properties that can be leased or lease-purchased to include educational plants, ancillary plants, and auxiliary facilities instead of only educational facilities. This allows district school boards to engage in lease or lease-purchase agreements for a wider range of properties related to educational services.

The bill modifies ss. 1013.16 and 1013.356, F.S., to remove the requirement that a school board must acquire a lease of at least 40 years to construct or place a facility, and retain the requirement that the lease be as long as the lifespan of the facility.

Capital Outlay Funding for Education

Present Situation

Public Education Capital Outlay

The Florida Constitution authorizes certain revenues to be used by district school boards for capital outlay purposes. Article XII, s. 9(d) of the Florida Constitution guarantees a stated amount for each district annually from proceeds of licensing motor vehicles, referred to as Capital Outlay and Debt Service (CO&DS) funds.¹⁴⁴ Additionally, Article XII, s. 9(a)(2) of the Florida Constitution provides that school districts may share in the proceeds from gross receipts taxes, referred to as Public Education Capital Outlay (PECO) funds, as provided by legislative appropriation.¹⁴⁵

PECO consists of revenues derived from the collection of the gross receipts tax on utilities, including transfers from the Communications Services Tax, and through the issuance of bonds supported by these revenues.¹⁴⁶ School districts, Florida colleges, state universities and other education agencies receive PECO funds to construct new facilities or to perform maintenance, renovation or repairs on existing facilities. These funds are also used for site acquisitions and improvements.¹⁴⁷

Allocations to district school boards from PECO for funds for remodeling, renovation, maintenance, repairs, and site improvement for existing satisfactory facilities are given priority and distributed according to a specific statutory formula.¹⁴⁸ District school boards may not use PECO funds to supplant funds in the current fiscal year approved operating budget.¹⁴⁹ At least

¹⁴⁴ Florida Department of Education, *2022-2023 Funding for Florida School Districts*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/feftpdist.pdf>, at 6.

¹⁴⁵ *Id.*

¹⁴⁶ Florida Department of Education, *2022-2023 Funding for Florida School Districts*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/feftpdist.pdf>, at 29.

¹⁴⁷ Florida Department of Education, *2022-2023 Funding for Florida School Districts*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/feftpdist.pdf>, at 29.

¹⁴⁸ Section 1013.64(1)(a), F.S.

¹⁴⁹ Section 1013.64(1)(b), F.S.

one-tenth of a board's annual allocation must be spent to correct unsafe, unhealthy, or unsanitary conditions in its educational facilities, or a lesser amount sufficient to correct all deficiencies cited in its annual comprehensive safety inspection reports.¹⁵⁰

After priority projects are funded, remaining PECO allocations are required to be calculated by computing the capital outlay full time membership as determined by the DOE pursuant to a statutory formula.¹⁵¹

For the 2022-2023 fiscal year, approximately \$196 million from PECO was appropriated to charter schools, and approximately \$11 million was appropriated to district schools.¹⁵²

The DOE operates the “Special Facility Construction Account” as a part of the PECO.¹⁵³ The Special Facility Construction Account is used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years. A district school board requesting funding from the Special Facility Construction Account may only submit one specific construction project to the Special Facility Construction Committee in any 3-year period or while any portion of the district's participation requirement is outstanding.¹⁵⁴

The construction project must be recommended in the most recent educational plant survey cooperatively prepared by the district school board and the DOE.¹⁵⁵ A project funded through the Special Facility Construction Account must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee.¹⁵⁶ The committee is required to consider certain factors set forth in law, including the district’s existing satisfactory student stations.¹⁵⁷

Upon request for release of PECO funds for planning purposes, the district school superintendent must certify to the DOE that the need for and location of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the plan is consistent with the local government comprehensive plan.¹⁵⁸ Upon request for release of construction funds, the superintendent must additionally certify to the DOE that the construction documents meet the requirements of SREF or other applicable codes.¹⁵⁹

¹⁵⁰ Section 1013.64(1)(f), F.S.

¹⁵¹ Section 1013.64(3), F.S. The capital outlay full-time equivalent membership shall be determined by counting the reported unweighted full-time equivalent student membership for the second and third surveys with each survey limited to 0.5 full-time equivalent student membership per student and comparing the results on a school-by-school basis with the Florida Inventory of School Houses.

¹⁵² Florida Department of Education, *2022-2023 Funding for Florida School Districts*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/feftpdist.pdf>, at 29.

¹⁵³ Section 1013.64(2)(a), F.S.

¹⁵⁴ Section 1013.64(2)(a), F.S.

¹⁵⁵ Section 1013.64(2)(a)2., F.S.

¹⁵⁶ Section 1013.64(2)(a)1., F.S.

¹⁵⁷ Section 1013.64(2)(a)1., F.S.

¹⁵⁸ Section 1013.31(2)(a), F.S.

¹⁵⁹ Section 1013.31(2)(b), F.S.

For the 2022-23 fiscal year, \$64,445,244¹⁶⁰ was appropriated for Special Facilities projects for six district school boards.¹⁶¹

School Board Discretionary Millage Levy

Each district school board is authorized to levy 1.5 mills against the taxable value for public school purposes to fund specific needs as identified in law, including, for example:¹⁶²

- New construction, remodeling projects, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.
- Payments for educational facilities and sites due under a lease-purchase agreement.
- Payment of costs of leasing relocatable educational facilities, of renting or leasing educational facilities and sites, or of renting or leasing buildings or space within existing buildings.

In addition, a district school board may expend up to \$175 per unweighted FTE student from the revenue generated by the millage levy to fund expenses for:¹⁶³

- The purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.
- Payment of the cost of premiums property and casualty insurance necessary to insure school district educational and ancillary plants.

District school boards raised \$3,453,738,766.07 in revenues through 1.5-mill levies in the 2021-2022 fiscal year.¹⁶⁴

To raise funds for capital outlay purposes, district school boards are also authorized to:

- Sell bonds for capital outlay projects to be repaid from local property taxes.¹⁶⁵
- Levy a sales surtax of up to 0.5 percent for fixed capital outlay purposes if approval is obtained by referendum.¹⁶⁶
- Levy up to 0.25 mills for fixed capital outlay in lieu of levying an equivalent amount of the 0.748 discretionary operating millage for operations.¹⁶⁷

¹⁶⁰ This amount was contingent upon the state's award from the federal Coronavirus State Fiscal Recovery Fund.

¹⁶¹ Florida Department of Education, *2022-2023 Funding for Florida School Districts*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf>, at 30.

¹⁶² Section 1011.71(2), F.S.

¹⁶³ Section 1011.71(6), F.S.

¹⁶⁴ Florida Department of Education, *Finance Data Base: Fiscal Year 2022-2023*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/StateTotalBUD2223.pdf>, at 45.

¹⁶⁵ Florida Department of Education, *2022-2023 Funding for Florida School Districts*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf>, at 9. See Art. VII, s. 12, Fla. Const., s. 200.001(3)(e), F.S., and ss. 1010.40 through 1010.55, F.S.

¹⁶⁶ Florida Department of Education, *2022-2023 Funding for Florida School Districts*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf>, at 11. See s. 212.055(6), F.S.

¹⁶⁷ Florida Department of Education, *2022-2023 Funding for Florida School Districts*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf>, at 9. See s. 1011.71(1), F.S.

Short-Term Loans for Education Capital Outlay

District school boards may create obligations by way of anticipation of budgeted revenues accruing on a current basis without pledging the credit of the district or requiring future levy of taxes for certain purposes for a period of 1 year; however, such obligations may be extended from year to year with the consent of the lender for a period not to exceed 4 years, or for a total of 5 years including the initial year of the loan.¹⁶⁸ The purposes for which such obligations may be incurred may include only the purchase of school buses, land, and equipment for educational purposes; the erection of, alteration to, or addition to educational facilities; and the adjustment of insurance on educational property on a 5-year plan, as provided by rules of the SBE.¹⁶⁹ District school boards may only borrow money through this process if:

- The proposed obligation does not exceed one-fourth of the revenue received during the preceding year for the district school fund for operating expenses.
- The school board adopts and includes in its minutes a resolution giving the nature of the obligations to be incurred, stating the plan of payment, and providing that such funds will be budgeted during the period of the loan from the current revenue to retire the obligations maturing during the year.
- The school board issues interest-bearing notes for the obligations that do not exceed the maximum rate for government bonds.

Effect of Proposed Changes

Public Education Capital Outlay

The bill amends s. 1013.64, F.S., to modify requirements for projects funded through PECO. The bill removes the requirement that at least one-tenth of a district school board's PECO allocation be spent to correct unsafe, unhealthy, or unsanitary conditions in its educational facilities. The bill also modifies the determination of critical need for funding under the Special Facility Construction Account, to limit the review of available student stations to those student stations that are available in the vicinity of the proposed project.

School Board Discretionary Millage Levy

The bill modifies s. 1011.71, F.S., to provide flexibility for the use of funds the district school board receives through the authorized 1.5-mill levy. The bill expands the authorized use of funds received to include payments for any educational plant space, ancillary plants, and auxiliary facilities, due under a lease purchase agreement or lease.

The bill also removes the cap of \$175 per unweighted FTE student for the purchase, lease-purchase, or lease of certain district school board vehicles and property and casualty insurance on school district educational and ancillary plants.

Short-Term Loans for Education Capital Outlay

The bill modifies s. 1011.14, F.S., to expand the scope of capital outlay that district school boards are permitted to fund through the issuance of short-term debt instruments.

¹⁶⁸ Section 1011.14, F.S.

¹⁶⁹ Section 1011.14(1), F.S.

This bill authorizes district school boards to incur obligations not only for the construction and renovation of educational facilities but also for the development and enhancement of support and supplemental structures associated with the educational process, which include the entire educational plant, ancillary plants, and auxiliary facilities.

By broadening the permissible use of anticipated revenue for these additional categories of capital projects, the bill allows for a more comprehensive development of the educational environment, acknowledging the role of various facilities in delivering a full spectrum of educational services. The district school boards would remain bound by the existing fiscal constraints—namely, the limitation of indebtedness to no more than one-fourth of the district ad valorem tax revenue for operations for the preceding year and the requirement for a detailed resolution outlining the nature and plan of repayment for the obligations.

District School Board Communications

Present Situation

Meeting Notices

Each district school board is required to publicly notice regular and special board meetings in a county newspaper of general circulation at least two days prior to the meeting, or on a radio station if no such newspaper exists.¹⁷⁰

Local governmental agencies, including district school boards, have the option to publish legal notices on a publicly accessible website owned or designated by the county instead of in a print newspaper under specified conditions.¹⁷¹ A governmental agency located in a county that has a population of fewer than 160,000 must first hold a public hearing and determine that its residents have sufficient access to the internet by broadband service before publishing legally required advertisements and public notices on the county website.¹⁷²

Before a district school board levies any millage, it must advertise its intent to adopt a tentative budget in a newspaper of general circulation. Not less than 2 days or more than 5 days thereafter, the district must hold a public hearing on the tentative budget.¹⁷³ The district school superintendent is required to submit two copies of the adopted budget to the DOE.¹⁷⁴

The US Census Bureau and the Pew Research Center have reported that adults are more likely to receive information through digital media than through print media.¹⁷⁵

District School Board Notifications

Dropout prevention and academic intervention programs are programs that may differ from traditional educational programs and schools in scheduling, administrative structure, philosophy,

¹⁷⁰ Section 1001.372, F.S.

¹⁷¹ Section 50.0311, F.S.

¹⁷² Section 50.0311(4), F.S.

¹⁷³ Section 200.065(2)(f)1., F.S.

¹⁷⁴ Section 1011.03(3), F.S.

¹⁷⁵ Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf, at 10.

curriculum, or setting and employ alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students.¹⁷⁶

A student is eligible to receive services through the dropout prevention and academic intervention program if the student:¹⁷⁷

- Is academically unsuccessful.
- Has a pattern of excessive absenteeism or has been identified as a habitual truant.
- Has a history of disruptive behavior in school or has committed an offense that warrants out-of-school suspension or expulsion from school.

Prior to placement in a dropout prevention and academic intervention program or the provision of an academic service, the school principal or designee is required to notify the student's parent by certified mail.¹⁷⁸ The parent of the student must then sign an acknowledgment of the notice of placement or service and return the signed acknowledgment to the principal within 3 days after receipt of the notice.¹⁷⁹ The parents of a student assigned to such a dropout prevention and academic intervention program are entitled to an administrative review by an informal hearing officer or an administrative law judge for a formal hearing regarding any action by school personnel relating to such placement.¹⁸⁰

The principal or the principal's designee may suspend a student only in accordance with the rules of the district school board.¹⁸¹ The principal or the principal's designee must make a good faith effort to immediately inform a student's parent by telephone of a student's suspension and the reasons for the suspension.¹⁸² Each suspension and the reasons for the suspension must be reported in writing within 24 hours to the student's parent by United States mail.¹⁸³

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.¹⁸⁴ School grades are also used to determine whether a school must select or implement a turnaround option¹⁸⁵ or whether a school is eligible for school recognition funds as appropriated by the Legislature.¹⁸⁶

Parents of public school students have the right to an easy-to-read report card about the school's grade designation or, if applicable, the school's improvement rating, and the school's accountability report, including the school financial report.¹⁸⁷ The school financial report must be

¹⁷⁶ Section 1003.53(1)(a), F.S.

¹⁷⁷ Section 1003.53(1)(c), F.S.

¹⁷⁸ Section 1003.53(5), F.S.

¹⁷⁹ Section 1003.53(5), F.S.

¹⁸⁰ Section 1003.53(5), F.S.

¹⁸¹ Section 1006.09(1)(b), F.S.

¹⁸² Section 1006.09(1)(b), F.S.

¹⁸³ Section 1006.09(1)(b), F.S.

¹⁸⁴ Section 1008.34(1), F.S.

¹⁸⁵ See s. 1008.33(4), F.S.

¹⁸⁶ See s. 1008.36, F.S.

¹⁸⁷ Section 1002.20(16), F.S.

provided to the parents and indicate the average amount of money expended per student in the school, which must also be included in the student handbook or a similar publication.¹⁸⁸

Each middle school and high school student or the student's parent prior to registration is required to be provided a two-page summary of the Department of Economic Opportunity's (DEO's) economic security report of employment and earning outcomes and electronic access to the report.¹⁸⁹ The information concerning the Economic Security Report is available to all parents through the DOE's Xello web portal, Florida's official K-12 career planning and work-based learning coordination tool.¹⁹⁰

Student Health Self-Care

Florida law outlines specific requirements for students to carry certain controlled substances and medical materials on public school campuses. Specifically:

- Asthmatic students may carry a metered dose inhaler at school if both their parent and physician approve and provide written authorization to the school principal.¹⁹¹
- Students at risk of life-threatening allergic reactions are allowed to carry and self-administer epinephrine auto-injectors at school, during school-sponsored activities, and while commuting to and from these locations, if the school has received authorization from both the student's parent and physician.¹⁹²
- Diabetic students may carry diabetic supplies and equipment, and manage their diabetes at school, during school-sponsored activities, and in transit, with written authorization from their parent and physician. This written authorization should specify the supplies and equipment the student is allowed to carry and describe the diabetes care activities the student can perform independently.¹⁹³
- Students who have, or are at risk for, pancreatic insufficiency or cystic fibrosis can carry and self-administer prescribed pancreatic enzyme supplements. Authorization from the student's parent and prescribing practitioner is required, and the school must be informed.¹⁹⁴

Effect of Proposed Changes

Meeting Notices

The bill modifies s. 1001.372, F.S., to replace the requirement to notice district school board meetings in the newspaper or a radio station with the requirement to notice the meetings on the official district school board website or another publicly accessible website pursuant to statutory requirements.

The bill amends s. 200.065, F.S., to authorize a district school board to advertise its proposed budget, and levy millage, by advertising its intent to adopt a tentative budget on the district school board website, so long as the district school board complies with the requirements to

¹⁸⁸ Section 1002.20(16), F.S.

¹⁸⁹ Section 1002.20(24), F.S.

¹⁹⁰ Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf, at 13.

¹⁹¹ Section 1002.20(3)(h), F.S.

¹⁹² Section 1002.20(3)(i), F.S.

¹⁹³ Section 1002.20(3)(j), F.S.

¹⁹⁴ Section 1002.20(3)(k), F.S.

ensure that the public has reasonable access to the website, and that the website would provide reasonable notice.

The bill makes a conforming modification in s. 1011.03, F.S., to specify that district school boards may advertise their budgets on the official district school board website instead of the newspaper. The bill also removes the requirement for the district school superintendent to transmit two copies of the adopted budget to the DOE.

District School Board Notifications

The bill modifies ss. 1003.53 and 1006.09, F.S., to remove the requirements that written notice to a parent about a student's placement in a dropout prevention program must be made by certified mail, or US mail in the case of a suspended student. The bill authorizes the principal or the principal's designee to provide written notice by United States mail or by electronic transmission if the school board adopts a policy to provide notice by electronic transmission if authorized by district school board policy as reasonably calculated to notify the parent. The bill includes conforming modifications in s. 1002.20, F.S.

The bill modifies s. 1002.20, F.S., to remove the requirement that the school financial report be included in the student handbook or similar publication. The bill requires the DOE to produce the easy-to-read report card about the school's grade designation or improvement rating, the school's accountability report, and the school financial report and make the reports for each school available on the DOE's website in a prominent location. The bill requires each district school board to provide a link to these reports for parent access. The bill also removes the requirement that each middle and high school student be provided with a two-page summary of the DEO economic security report, as this information is available by other means.

Student Health Self-Care

The bill modifies s. 1002.20, F.S., to remove the necessity for students to obtain authorization to use the prescribed substance or material at school. Instead of requiring both parental and physician approval to use the substances and materials at school, the bill allows students to carry necessary medical materials with:

- Parental approval, demonstrated through a written consent; and
- A valid prescription or receipt of a prescription issued by a pharmacist; or
- A physician's written authorization to use the substance or material at school.

This modification may reduce bureaucratic hurdles and ensure that students with medical conditions have easier and immediate access to their necessary medical materials while at school.

Maximum Class Size Requirements

Present Situation

Each year, on or before the October student membership survey, the following class size maximum number of students assigned to each teacher who is teaching a core-curricula course¹⁹⁵ in a public school classroom may not exceed:¹⁹⁶

- 18 students in prekindergarten through grade 3;
- 22 students in grades 4 through 8; and
- 25 students in grades 9 through 12.

These class size maximums must be maintained after the October student membership survey. District school boards have the flexibility to determine whether it is warranted to assign a student enrolled after the October student membership survey to a class that will exceed the maximum size. If determined by the district school board to exceed the class size maximums after the October membership survey, the district school board is required to develop a plan to ensure that the school will be in full compliance with the maximum class size limits by the next October student membership survey. This plan is not required to be submitted to the Department of Education (DOE).¹⁹⁷

The DOE must calculate compliance with class size maximums for traditional schools, charter schools, and district-operated schools of choice using data from the October student membership survey.¹⁹⁸ A memorandum is sent from the DOE to notify school districts and charter schools of their class size compliance and the details of the process and timeline for appeals and submission of compliance plans.¹⁹⁹ In 2023, the Legislature repealed the class size reduction penalty calculation for schools exceeding the class size limits.²⁰⁰ The certified compliance plan school districts and charter schools found out of compliance are required to submit to the DOE are used to reduce their class size reduction penalty.²⁰¹

Effect of Proposed Changes

The bill modifies s. 1003.03, F.S., by removing the requirement that school districts exceeding the maximum class size limits must submit a certified compliance plan to the DOE. The bill maintains the requirement for school districts over the class size limits after the October student membership survey to develop a plan to be in full compliance with the class size limits by the following October student membership survey.

¹⁹⁵ Section 1003.01(5), F.S.

¹⁹⁶ Section 1003.03(1), F.S.

¹⁹⁷ Section 1003.03(1)-(2)

¹⁹⁸ Section 1003.03 (2).

¹⁹⁹ Florida Department of Education, *Class Size Reduction Memorandums*, <https://www.fldoe.org/finance/budget/class-size/class-size-reduction-memorums.shtml> (last visited Nov. 7, 2023).

²⁰⁰ Ch. 2023-104, s. 1, Laws of Fla.

²⁰¹ Florida Department of Education, *Memorandum, Reallocation and Restoration Calculations for 2022-2023 Class Size Operation Categorical Program* (June 26, 2023), available at <https://www.fldoe.org/core/fileparse.php/7603/urlt/2022-23-Class-Size-Operating-Categorical-Reallocation-and-Restoration-Calculations.pdf>.

Electronic Transactions

Present Situation

Each district school board is required to adopt written policies prescribing the accounting and control procedures under which any funds under their control are allowed to be moved by electronic transaction for any purpose including direct deposit, wire transfer, investment, or payment.²⁰² All district school board electronic transactions must comply with electronic commerce state laws.²⁰³ The Department of Management Services (DMS), in consultation with governmental agencies (i.e. district school boards), is authorized to make certain specifications for the use of electronic records and electronic signatures by governmental agencies.²⁰⁴

Effect of Proposed Changes

The bill modifies s.1010.11, F.S., by excluding district school boards from consulting with the DMS when establishing acceptance and usage standards for electronic records and electronic signatures. This modification clarifies that district school boards are authorized to establish their own acceptance and usage standards for electronic records and electronic signatures without necessitating consultation with the DMS.

The bill takes effect July 1, 2024.

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.

²⁰² Section 1010.11, F.S.

²⁰³ Regulations for electronic commerce can be found in chapter. 668, Florida Statutes.

²⁰⁴ Section 668.50(18)(b), F.S.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There are no anticipated cost increases to the state or to school districts. However, schools districts may realize cost savings for efficiencies created in the bill, reduced reporting requirements, and for additional authority over the construction and renovation of facilities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 120.81, 163.31777, 163.3180, 200.065, 252.38, 316.173, 1001.02, 1001.23, 1001.372, 1001.42, 1001.49, 1002.20, 1002.31, 1002.33, 1002.333, 1003.03, 1003.53, 1003.621, 1003.631, 1006.09, 1006.1494, 1010.02, 1010.11, 1010.20, 1011.03, 1011.035, 1011.14, 1011.60, 1011.6202, 1011.68, 1011.69, 1011.71, 1011.73, 1012.555, 1013.15, 1013.16, 1013.19, 1013.20, 1013.28, 1013.31, 1013.35, 1013.356, 1013.385, 1013.41, 1013.45, 1013.48, 1013.62, 1013.64, and 1013.68.

This bill repeals the following sections of the Florida Statutes: 1006.025, 1013.21, and 1013.451

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.

FOR CONSIDERATION By the Committee on Education Pre-K -12

581-00792A-24

20247002pb

1 A bill to be entitled
 2 An act relating to deregulation of public
 3 schools/school district finance and budgets,
 4 facilities, and administration and oversight; amending
 5 s. 120.81, F.S.; providing that district school boards
 6 are not subject to certain rule requirements under
 7 certain circumstances; amending s. 163.31777, F.S.;
 8 revising requirements for what a district school
 9 board's interlocal agreement must address; amending s.
 10 200.065, F.S.; requiring a district school board to
 11 advertise its intent to adopt a tentative budget on a
 12 publicly available website if it does not advertise
 13 such intent in a newspaper of general circulation;
 14 defining the term "publicly accessible website";
 15 amending s. 252.38, F.S.; requiring district school
 16 boards to provide personnel access to facilities for
 17 emergency management, rather than staffing such
 18 facilities; amending s. 316.173, F.S.; revising
 19 requirements for signage that must be posted on
 20 certain school buses; amending s. 1001.02, F.S.;
 21 revising a duty of the State Board of Education to
 22 adopt certain rules; amending s. 1001.23, F.S.;
 23 requiring the Department of Education to annually
 24 inform district school superintendents that they may
 25 petition to receive a specified declaratory statement;
 26 requiring the department to annually provide school
 27 districts with a list of statutory and rule
 28 requirements; providing requirements for such list;
 29 amending s. 1001.372, F.S.; requiring public notices

Page 1 of 90

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

581-00792A-24

20247002pb

30 for district school board meetings be posted on a
 31 publicly accessible website; deleting a requirement
 32 for public notices to be published in a newspaper;
 33 amending s. 1001.42, F.S.; deleting requirements for
 34 financial procedures that must be followed by district
 35 school boards to ensure adequate educational
 36 facilities for students; amending s. 1001.49, F.S.;
 37 revising the general powers of district school
 38 superintendents to include establishing a process for
 39 the review and approval of certain policies and
 40 procedures through the delegated authority of district
 41 school boards; amending s. 1002.20, F.S.; revising a
 42 requirement relating to how a parent is informed of
 43 placement of a student in a specified program;
 44 revising requirements for student inhaler use and
 45 epinephrine use; revising requirements relating to
 46 student diabetes management; revising requirements
 47 relating to student use of prescribed pancreatic
 48 enzyme supplements; revising a requirement relating to
 49 how a parent is informed of a student's suspension;
 50 deleting a requirement that the school financial
 51 report be in the student handbook; requiring the
 52 department to produce specified reports relating to
 53 school accountability and make such reports available
 54 on the department's website; requiring each school
 55 district to provide a link to such reports; deleting a
 56 requirement that an economic security report of
 57 employment and earning outcomes be provided to
 58 students; amending s. 1002.33, F.S.; deleting a

Page 2 of 90

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

581-00792A-24

20247002pb

59 requirement for an unused district school board
 60 facility or property to be provided for a charter
 61 school's use; revising a requirement for school
 62 districts to provide certain information relating to
 63 vacant classrooms to the department; amending s.
 64 1002.333, F.S.; revising a provision authorizing
 65 school districts to make certain unused facilities
 66 available to hope operators; amending s. 1003.03,
 67 F.S.; deleting a requirement for district school
 68 boards to provide an accountability plan to the
 69 Commissioner of Education under certain conditions;
 70 amending s. 1003.53, F.S.; revising how district
 71 school boards may provide notice to parents relating
 72 to a dropout prevention and academic intervention
 73 program; repealing s. 1006.025, F.S., relating to
 74 guidance services; amending s. 1006.09, F.S.;
 75 authorizing a school principal or the principal's
 76 designee to inform a parent of a student's suspension
 77 by electronic means if permitted by district school
 78 board policy; amending s. 1006.1494, F.S.; providing
 79 that provisions relating to student online personal
 80 information protection do not require a K-12 school,
 81 school district, or school board to include any
 82 provisions in an operator or vendor contract; amending
 83 s. 1010.02, F.S.; providing that school districts are
 84 subject to varying reporting frequencies based on
 85 financial status; requiring the State Board of
 86 Education to adopt rules; amending s. 1010.11, F.S.;
 87 providing that school districts are exempt from

581-00792A-24

20247002pb

88 certain requirements relating to electronic transfer
 89 of funds; amending s. 1010.20, F.S.; requiring charter
 90 schools to respond to monitoring questions from the
 91 department; amending s. 1011.03, F.S.; requiring
 92 district school boards to publish their tentative
 93 budgets on a publicly accessible website if not
 94 published on the district's official website; deleting
 95 a requirement for district school boards to publish
 96 their tentative budgets in a newspaper or at a
 97 courthouse under certain circumstances; amending s.
 98 1011.035, F.S.; revising requirements relating to a
 99 district school board publishing its tentative budget
 100 online; amending s. 1011.14, F.S.; revising the types
 101 of facilities on which district school boards may
 102 incur certain financial obligations; amending s.
 103 1011.60, F.S.; revising circumstances under which the
 104 State Board of Education may alter the requirement for
 105 the minimum term schools must be open; amending s.
 106 1011.68, F.S.; deleting a prohibition on use of funds
 107 by school districts to purchase certain transportation
 108 equipment and supplies; amending s. 1011.69, F.S.;
 109 deleting a requirement relating to Title I fund
 110 allocations to schools; providing a new category of
 111 funding school districts are authorized to withhold;
 112 revising a category of funding a school district is
 113 authorized to withhold; requiring the department to
 114 make certain funds available to local education
 115 agencies; amending s. 1011.71, F.S.; revising the
 116 types of facilities and expenditures for which

581-00792A-24

20247002pb

117 district school boards may use millage levies to fund;
 118 amending s. 1013.15, F.S.; conforming provisions to
 119 changes made by the act; providing that the lease-
 120 purchase of certain facilities is exempt from certain
 121 requirements; making a technical change; amending s.
 122 1013.16, F.S.; providing that a minimum lease term
 123 requirement for land for certain construction projects
 124 does not apply to district school boards; amending s.
 125 1013.19, F.S.; requiring proceeds from certain sales
 126 or leases of property to be used by boards of trustees
 127 for a Florida College System institution or state
 128 university; amending s. 1013.20, F.S.; deleting a
 129 district school board requirement to plan for the use
 130 of relocatables; deleting a requirement for the
 131 commissioner to provide a progress report to the
 132 Legislature; repealing s. 1013.21, F.S., relating to
 133 reduction of relocatable facilities in use; amending
 134 s. 1013.28, F.S.; deleting a requirement for surplus
 135 tangible personal property to be provided to charter
 136 schools; amending s. 1013.31, F.S.; requiring each
 137 Florida College System institution board of trustees
 138 and state university board of trustees to arrange for
 139 educational plant surveys; deleting provisions
 140 relating to when an educational plant survey
 141 recommendation is not required; requiring Florida
 142 College System institution and state university
 143 boards, but not district school boards, to participate
 144 in specified surveys; deleting a requirement for
 145 school districts to submit certain data to the

Page 5 of 90

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

581-00792A-24

20247002pb

146 department; revising requirements for what a survey
 147 report must include; deleting a requirement that a
 148 school district's survey must be submitted as part of
 149 the district educational facilities plan; deleting a
 150 requirement for the department to perform an analysis
 151 of such surveys; revising requirements for a
 152 facilities needs survey submitted by a district school
 153 board; requiring that the release of funds for a PECO
 154 project be subject to certain authorizations; amending
 155 s. 1013.35, F.S.; deleting definitions; revising
 156 requirements for the contents of a district school
 157 board tentative district educational facilities plan;
 158 deleting a requirement for district school boards to
 159 coordinate with local governments to ensure
 160 consistency between school district and local
 161 government plans; authorizing, rather than requiring,
 162 local governments to review tentative district
 163 educational facilities plans; making conforming
 164 changes; amending s. 1013.356, F.S.; revising
 165 requirements for lease terms for certain construction
 166 projects; deleting a requirement relating to certain
 167 construction costs; amending s. 1013.385, F.S.;
 168 deleting requirements for a resolution relating to
 169 educational facilities construction which may be
 170 adopted by district school boards; providing that
 171 exceptions to requirements for public shelter design
 172 criteria remain subject to certain emergency
 173 management provisions; providing that a school board
 174 may not be required to build more emergency-shelter

Page 6 of 90

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

581-00792A-24

20247002pb

175 space than identified as needed; amending s. 1013.41,
 176 F.S.; revising requirements for an educational
 177 facilities plan; revising the duties of the Office of
 178 Educational Facilities; amending s. 1013.45, F.S.;
 179 exempting district school boards from certain contract
 180 limitations; specifying that a requirement for the
 181 services of a registered architect apply to Florida
 182 College System institution and state university boards
 183 of trustees; deleting a requirement for district
 184 school boards to reuse existing construction
 185 documents; repealing s. 1013.451, F.S., relating to
 186 life-cycle costs comparison; amending s. 1013.48,
 187 F.S.; deleting a requirement for a school district to
 188 monitor and report change orders on a district
 189 educational facilities plan; amending s. 1013.64,
 190 F.S.; providing that remodeling projects for district
 191 school boards must be based on specified
 192 determinations; providing that a requirement for how
 193 certain funds must be spent only applies to Florida
 194 College System institution and state university
 195 boards; revising requirements for the use of funds
 196 from the Special Facility Construction Account;
 197 deleting prohibitions on the use of specified funds
 198 that meet certain thresholds; requiring the department
 199 to estimate, rather than review and adjust, the cost
 200 per student station to reflect actual construction
 201 costs; deleting a requirement for the Auditor General
 202 to review certain documentation; deleting requirements
 203 relating to district school board use of funds for

581-00792A-24

20247002pb

204 construction projects; amending s. 1013.68, F.S.;
 205 revising requirements for a school district to receive
 206 a specified distribution of funds; amending ss.
 207 163.3180, 1002.31, 1003.621, 1003.631, 1011.6202,
 208 1011.73, 1012.555, and 1013.62, F.S.; conforming
 209 cross-references and provisions to changes made by the
 210 act; providing an effective date.

211
 212 Be It Enacted by the Legislature of the State of Florida:

213
 214 Section 1. Paragraph (m) is added to subsection (1) of
 215 section 120.81, Florida Statutes, to read:
 216 120.81 Exceptions and special requirements; general areas.-
 217 (1) EDUCATIONAL UNITS.-
 218 (m) District school boards are not subject to the
 219 requirements for rules in this chapter when exercising their
 220 powers and duties identified in chapters 1000-1014 to formulate
 221 policy with public input at a public meeting.

222 Section 2. Paragraphs (e) and (f) of subsection (2) and
 223 subsection (4) of section 163.31777, Florida Statutes, are
 224 amended to read:

225 163.31777 Public schools interlocal agreement.-

226 (2) At a minimum, the interlocal agreement must address the
 227 following issues:

228 (e) A process for the school board to inform the local
 229 government regarding the effect of comprehensive plan amendments
 230 on school capacity. The capacity reporting must be consistent
 231 with laws and rules relating to measurement of school facility
 232 capacity and must also identify how the district school board

581-00792A-24

20247002pb

will meet the public school demand based on the facilities plan
~~work program~~ adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the
 preparation of the annual update to the district school board's
~~5-year district facilities plan work program and educational~~
~~plant survey~~ prepared pursuant to s. 1013.35.

(4) At the time of the evaluation and appraisal of its
 comprehensive plan pursuant to s. 163.3191, each exempt
 municipality shall assess the extent to which it continues to
 meet the criteria for exemption under subsection (3). If the
 municipality continues to meet the criteria for exemption under
 subsection (3), the municipality shall continue to be exempt
 from the interlocal agreement requirement. Each municipality
 exempt under subsection (3) must comply with this section within
 1 year after the district school board proposes, in its ~~5-year~~
 district facilities plan ~~work program~~, a new school within the
 municipality's jurisdiction.

Section 3. Paragraph (f) of subsection (2) of section
 200.065, Florida Statutes, is amended to read:

200.065 Method of fixing millage.—

(2) No millage shall be levied until a resolution or
 ordinance has been approved by the governing board of the taxing
 authority which resolution or ordinance must be approved by the
 taxing authority according to the following procedure:

(f)1. Notwithstanding any provisions of paragraph (c) to
 the contrary, each school district shall advertise its intent to
 adopt a tentative budget on a publicly accessible website
pursuant to s. 50.0311 or in a newspaper of general circulation
 pursuant to subsection (3) within 29 days of certification of

581-00792A-24

20247002pb

value pursuant to subsection (1). For the purpose of this
paragraph, the term "publicly accessible website" includes a
district school board's official website if the school board
website satisfies the remaining requirements of s. 50.0311. Not
 less than 2 days or more than 5 days thereafter, the district
 shall hold a public hearing on the tentative budget pursuant to
 the applicable provisions of paragraph (c). In the event of
 postponement or recess due to a declared state of emergency, the
 school district may postpone or recess the hearing for up to 7
 days and shall post a prominent notice at the place of the
 original hearing showing the date, time, and place where the
 hearing will be reconvened. The posted notice shall measure not
 less than 8.5 by 11 inches. The school district shall make every
 reasonable effort to provide reasonable notification of the
 continued hearing to the taxpayers. The information must also be
 posted on the school district's website if the district school
board uses a different method of advertisement.

2. Notwithstanding any provisions of paragraph (b) to the
 contrary, each school district shall advise the property
 appraiser of its recomputed proposed millage rate within 35 days
 of certification of value pursuant to subsection (1). The
 recomputed proposed millage rate of the school district shall be
 considered its proposed millage rate for the purposes of
 paragraph (b).

3. Notwithstanding any provisions of paragraph (d) to the
 contrary, each school district shall hold a public hearing to
 finalize the budget and adopt a millage rate within 80 days of
 certification of value pursuant to subsection (1), but not
 earlier than 65 days after certification. The hearing shall be

581-00792A-24

20247002pb

held in accordance with the applicable provisions of paragraph (d), except that a newspaper advertisement need not precede the hearing.

Section 4. Paragraph (d) of subsection (1) of section 252.38, Florida Statutes, is amended to read:

252.38 Emergency management powers of political subdivisions.—Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state.

(1) COUNTIES.—

(d) During a declared state or local emergency and upon the request of the director of a local emergency management agency, the district school board or school boards in the affected area shall participate in emergency management by providing facilities and necessary personnel to access ~~staff~~ such facilities. Each school board providing transportation assistance in an emergency evacuation shall coordinate the use of its vehicles and personnel with the local emergency management agency.

Section 5. Paragraph (a) of subsection (2) of section 316.173, Florida Statutes, is amended to read:

316.173 School bus infraction detection systems.—

(2) (a) The school district must post ~~high-visibility reflective~~ signage on the rear of each school bus in which a school bus infraction detection system is installed and operational which indicates the use of such system. The signage must be in the form of one or more signs or stickers and must contain the following elements in substantially the following form:

581-00792A-24

20247002pb

1. The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS WHEN RED LIGHTS FLASH."

2. The words "CAMERA ENFORCED."

3. A graphic depiction of a camera.

Section 6. Paragraph (n) of subsection (2) of section 1001.02, Florida Statutes, is amended to read:

1001.02 General powers of State Board of Education.—

(2) The State Board of Education has the following duties:

(n) To adopt cohesive rules pursuant to ss. 120.536(1) and 120.54, within statutory authority as specifically provided by law.

Section 7. Subsections (5) and (6) are added to section 1001.23, Florida Statutes, to read:

1001.23 Specific powers and duties of the Department of Education.—In addition to all other duties assigned to it by law or by rule of the State Board of Education, the department shall:

(5) Annually by August 1, inform district school superintendents that pursuant to s. 120.565, the superintendents may receive a declaratory statement, within 90 days of submitting a petition to receive such statement, regarding the department's opinion as to the applicability to a school district of a statutory or rule provision as it applies to the district's particular set of circumstances.

(6) Annually maintain and make available to school districts a list of all requirements in statute and rule relating to required actions by district school boards or superintendents. The list must include, but is not limited to, required parent notifications; information that must be posted

581-00792A-24

20247002pb

to the district website; and reporting, filing, and certification requirements.

Section 8. Paragraphs (b) and (c) of subsection (2) of section 1001.372, Florida Statutes, are amended to read:

1001.372 District school board meetings.-

(2) PLACE OF MEETINGS.-

(b) Upon the giving of due public notice on a publicly accessible website as provided in s. 50.0311, regular or special meetings of the district school board may be held at any appropriate public place in the county-

(c) ~~For purpose of this section, due public notice shall consist of publication in a newspaper of general circulation in the county or in each county where there is no newspaper of general circulation in the county an announcement over at least one radio station whose signal is generally received in the county, a reasonable number of times daily during the 48 hours immediately preceding the date of such meeting, or by posting a notice at the courthouse door if no newspaper is published in the county, at least 2 days after prior to the giving of notice meeting.~~

Section 9. Paragraph (1) of subsection (12) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.-The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(12) FINANCE.-Take steps to assure students adequate educational facilities through the financial procedure authorized in chapters 1010 and 1011 and as prescribed below:

~~(1) Internal auditor. May or, in the case of a school~~

581-00792A-24

20247002pb

~~district receiving annual federal, state, and local funds in excess of \$500 million, shall employ an internal auditor. The scope of the internal auditor shall not be restricted and shall include every functional and program area of the school system.~~

~~1. The internal auditor shall perform ongoing financial verification of the financial records of the school district, a comprehensive risk assessment of all areas of the school system every 5 years, and other audits and reviews as the district school board directs for determining:~~

~~a. The adequacy of internal controls designed to prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).~~

~~b. Compliance with applicable laws, rules, contracts, grant agreements, district school board-approved policies, and best practices.~~

~~c. The efficiency of operations.~~

~~d. The reliability of financial records and reports.~~

~~e. The safeguarding of assets.~~

~~f. Financial solvency.~~

~~g. Projected revenues and expenditures.~~

~~h. The rate of change in the general fund balance.~~

~~2. The internal auditor shall prepare audit reports of his or her findings and report directly to the district school board or its designee.~~

~~3. Any person responsible for furnishing or producing any book, record, paper, document, data, or sufficient information necessary to conduct a proper audit or examination which the internal auditor is by law authorized to perform is subject to the provisions of s. 11.47(3) and (4).~~

Section 10. Subsection (3) of section 1001.49, Florida

581-00792A-24

20247002pb

Statutes, is amended to read:

1001.49 General powers of district school superintendent.—
The district school superintendent shall have the authority, and
when necessary for the more efficient and adequate operation of
the district school system, the district school superintendent
shall exercise the following powers:

(3) APPROVE OPERATIONAL POLICIES THROUGH THE DELEGATED
AUTHORITY OF THE DISTRICT SCHOOL BOARD.—Establish a process for
the review and approval of districtwide policies and procedures,
through the formal delegated authority of the district school
board, RECOMMEND POLICIES.—Recommend to the district school
board for adoption such policies pertaining to the district
school system as the district school superintendent may consider
necessary for its more efficient operation.

Section 11. Paragraph (e) of subsection (2), paragraphs (h)
through (k) of subsection (3), paragraph (a) of subsection (4),
and subsections (16) and (24) of section 1002.20, Florida
Statutes, are amended to read:

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

(2) ATTENDANCE.—

(e) Dropout prevention and academic intervention programs.—
The parent of a public school student has the right to receive
written notice ~~by certified mail~~ prior to placement of the
student in a dropout prevention and academic intervention

581-00792A-24

20247002pb

program and shall be notified in writing and entitled to an
administrative review of any action by school personnel relating
to the student's placement, in accordance with the provisions of
s. 1003.53(5).

(3) HEALTH ISSUES.—

(h) Inhaler use.—Asthmatic students whose parent approves
~~and physician provide their approval to the school principal~~ may
carry a metered dose inhaler on their person while in school.
The school principal shall be provided a copy of the parent's
approval and the student's prescription, a receipt of
prescription issued by a pharmacist, or a parent's and
physician's approval.

(i) Epinephrine use and supply.—

1. A student who has experienced or is at risk for life-
threatening allergic reactions may carry an epinephrine auto-
injector and self-administer epinephrine by auto-injector while
in school, participating in school-sponsored activities, or in
transit to or from school or school-sponsored activities if the
school has been provided with parental ~~and physician~~
authorization and a copy of the student's prescription, receipt
of prescription issued by a pharmacist, or a physician's
approval. The State Board of Education, in cooperation with the
Department of Health, shall adopt rules for such use of
epinephrine auto-injectors that shall include provisions to
protect the safety of all students from the misuse or abuse of
auto-injectors. A school district, county health department,
public-private partner, and their employees and volunteers shall
be indemnified by the parent of a student authorized to carry an
epinephrine auto-injector for any and all liability with respect

581-00792A-24

20247002pb

to the student's use of an epinephrine auto-injector pursuant to this paragraph.

2. A public school may purchase a supply of epinephrine auto-injectors from a wholesale distributor as defined in s. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in s. 499.003 for the epinephrine auto-injectors at fair-market, free, or reduced prices for use in the event a student has an anaphylactic reaction. The epinephrine auto-injectors must be maintained in a secure location on the public school's premises. The participating school district shall adopt a protocol developed by a licensed physician for the administration by school personnel who are trained to recognize an anaphylactic reaction and to administer an epinephrine auto-injection. The supply of epinephrine auto-injectors may be provided to and used by a student authorized to self-administer epinephrine by auto-injector under subparagraph 1. or trained school personnel.

3. The school district and its employees, agents, and the physician who provides the standing protocol for school epinephrine auto-injectors are not liable for any injury arising from the use of an epinephrine auto-injector administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is having an anaphylactic reaction:

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

b. Notwithstanding that the parents or guardians of the student to whom the epinephrine is administered have not been provided notice or have not signed a statement acknowledging

581-00792A-24

20247002pb

that the school district is not liable; and

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

(j) *Diabetes management.*—A school district may not restrict the assignment of a student who has diabetes to a particular school on the basis that the student has diabetes, that the school does not have a full-time school nurse, or that the school does not have trained diabetes personnel. Diabetic students whose parent provides his or her ~~and physician provide~~ their written authorization and the student's prescription, receipt of prescription issued by a pharmacist, or a physician's approval to the school principal may carry diabetic supplies and equipment on their person and attend to the management and care of their diabetes while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities to the extent authorized by the parent and physician and within the parameters set forth by State Board of Education rule. The written authorization shall identify the diabetic supplies and equipment that the student is authorized to carry and shall describe the activities the child is capable of performing without assistance, such as performing blood-glucose level checks and urine ketone testing, administering insulin through the insulin-delivery system used by the student, and treating hypoglycemia and hyperglycemia. The State Board of Education, in cooperation with the Department of Health, shall adopt rules to encourage every school in which a student with diabetes is enrolled to have personnel trained in routine and

581-00792A-24

20247002pb

emergency diabetes care. The State Board of Education, in cooperation with the Department of Health, shall also adopt rules for the management and care of diabetes by students in schools that include provisions to protect the safety of all students from the misuse or abuse of diabetic supplies or equipment. A school district, county health department, and public-private partner, and the employees and volunteers of those entities, shall be indemnified by the parent of a student authorized to carry diabetic supplies or equipment for any and all liability with respect to the student's use of such supplies and equipment pursuant to this paragraph.

(k) *Use of prescribed pancreatic enzyme supplements.*—A student who has experienced or is at risk for pancreatic insufficiency or who has been diagnosed as having cystic fibrosis may carry and self-administer a prescribed pancreatic enzyme supplement while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with authorization from the student's parent and the student's prescription, a receipt of prescription issued by a pharmacist, or a physician's approval ~~prescribing practitioner~~. The State Board of Education, in cooperation with the Department of Health, shall adopt rules for the use of prescribed pancreatic enzyme supplements which shall include provisions to protect the safety of all students from the misuse or abuse of the supplements. A school district, county health department, public-private partner, and their employees and volunteers shall be indemnified by the parent of a student authorized to use prescribed pancreatic enzyme supplements for any and all

581-00792A-24

20247002pb

liability with respect to the student's use of the supplements under this paragraph.

(4) DISCIPLINE.—

(a) *Suspension of public school student.*—In accordance with the provisions of s. 1006.09(1)-(4):

1. A student may be suspended only as provided by rule of the district school board. A good faith effort must be made to immediately inform the parent by telephone of the student's suspension and the reason. Each suspension and the reason must be reported in writing within 24 hours to the parent by United States mail or other method as adopted in district school board policy which is reasonably calculated to notify the parent. A good faith effort must be made to use parental assistance before suspension unless the situation requires immediate suspension.

2. A student with a disability may only be recommended for suspension or expulsion in accordance with State Board of Education rules.

(16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING REPORTS; FISCAL TRANSPARENCY.—Parents of public school students have the right to an easy-to-read report card about the school's grade designation or, if applicable under s. 1008.341, the school's improvement rating, and the school's accountability report, including the school financial report as required under s. 1010.215. The school financial report must be provided to the parents and indicate the average amount of money expended per student in the school, ~~which must also be included in the student handbook or a similar publication~~. The department shall produce the reports under this subsection and make the reports for each school available on the department's website in a

581-00792A-24

20247002pb

581 prominent location. Each public school district must provide a
 582 link on its website to these reports for parent access.
 583 ~~(24) ECONOMIC SECURITY REPORT. Beginning in the 2014-2015~~
 584 ~~school year and annually thereafter, each middle school and high~~
 585 ~~school student or the student's parent prior to registration~~
 586 ~~shall be provided a two-page summary of the Department of~~
 587 ~~Economic Opportunity's economic security report of employment~~
 588 ~~and earning outcomes prepared pursuant to s. 445.07 and~~
 589 ~~electronic access to the report.~~
 590 Section 12. Paragraphs (e) and (g) of subsection (18) of
 591 section 1002.33, Florida Statutes, are amended to read:
 592 1002.33 Charter schools.-
 593 (18) FACILITIES.-
 594 (e) ~~If a district school board facility or property is~~
 595 ~~available because it is surplus, marked for disposal, or~~
 596 ~~otherwise unused, it shall be provided for a charter school's~~
 597 ~~use on the same basis as it is made available to other public~~
 598 ~~schools in the district. A charter school that receives surplus,~~
 599 ~~marked for disposal, or otherwise unused facilities or receiving~~
 600 property from the sponsor may not sell or dispose of such
 601 facilities or property without written permission of the
 602 sponsor. Similarly, for an existing public school converting to
 603 charter status, no rental or leasing fee for the existing
 604 facility or for the property normally inventoried to the
 605 conversion school may be charged by the district school board to
 606 the parents and teachers organizing the charter school. The
 607 charter school shall agree to reasonable maintenance provisions
 608 in order to maintain the facility in a manner similar to
 609 district school board standards. The Public Education Capital

581-00792A-24

20247002pb

610 Outlay maintenance funds or any other maintenance funds
 611 generated by the facility operated as a conversion school shall
 612 remain with the conversion school.
 613 (g) Each school district shall annually provide to the
 614 Department of Education ~~as part of its 5-year work plan~~ the
 615 number of existing vacant classrooms in each school that the
 616 district does not intend to use or does not project will be
 617 needed for educational purposes for the following school year.
 618 The department may recommend that a district make such space
 619 available to an appropriate charter school.
 620 Section 13. Paragraph (d) of subsection (7) of section
 621 1002.333, Florida Statutes, is amended to read:
 622 1002.333 Persistently low-performing schools.-
 623 (7) FACILITIES.-
 624 (d) A school district may make available ~~No later than~~
 625 ~~January 1, the department shall annually provide to school~~
 626 ~~districts a list of all~~ underused, vacant, or surplus facilities
 627 owned or operated by the school district ~~to as reported in the~~
 628 ~~Florida Inventory of School Houses. A school district may~~
 629 ~~provide evidence to the department that the list contains errors~~
 630 ~~or omissions within 30 days after receipt of the list. By each~~
 631 ~~April 1, the department shall update and publish a final list of~~
 632 ~~all underused, vacant, or surplus facilities owned or operated~~
 633 ~~by each school district, based upon updated information provided~~
 634 ~~by each school district.~~ a hope operator establishing a school
 635 of hope ~~may use an educational facility identified in this~~
 636 ~~paragraph~~ at no cost or at a mutually agreeable cost not to
 637 exceed \$600 per student. A hope operator using a facility
 638 pursuant to this paragraph may not sell or dispose of such

581-00792A-24

20247002pb

639 facility without the written permission of the school district.
 640 For purposes of this paragraph, the term "underused, vacant, or
 641 surplus facility" means an entire facility or portion thereof
 642 which is not fully used or is used irregularly or intermittently
 643 by the school district for instructional or program use.

644 Section 14. Subsection (4) of section 1003.03, Florida
 645 Statutes, is amended to read:

646 1003.03 Maximum class size.—

647 ~~(4) ACCOUNTABILITY.—Each district that has not complied~~
 648 ~~with the requirements in subsection (1), based on the October~~
 649 ~~student membership survey, shall submit to the commissioner by~~
 650 ~~February 1 a plan certified by the district school board that~~
 651 ~~describes the specific actions the district will take in order~~
 652 ~~to fully comply with the requirements in subsection (1) by~~
 653 ~~October of the following school year.~~

654 Section 15. Subsection (5) of section 1003.53, Florida
 655 Statutes, is amended to read:

656 1003.53 Dropout prevention and academic intervention.—

657 (5) Each district school board providing a dropout
 658 prevention and academic intervention program pursuant to this
 659 section shall maintain for each participating student records
 660 documenting the student's eligibility, the length of
 661 participation, the type of program to which the student was
 662 assigned or the type of academic intervention services provided,
 663 and an evaluation of the student's academic and behavioral
 664 performance while in the program. The school principal or his or
 665 her designee shall, prior to placement in a dropout prevention
 666 and academic intervention program or the provision of an
 667 academic service, provide written notice of placement or

581-00792A-24

20247002pb

668 services ~~by certified mail, return receipt requested,~~ to the
 669 student's parent. Written notice may be provided to the parent
 670 by United States mail or by electronic transmission if
 671 authorized by district school board policy as reasonably
 672 calculated to notify the parent ~~The parent of the student shall~~
 673 ~~sign an acknowledgment of the notice of placement or service and~~
 674 ~~return the signed acknowledgment to the principal within 3 days~~
 675 ~~after receipt of the notice.~~ The parents of a student assigned
 676 to such a dropout prevention and academic intervention program
 677 shall be notified in writing and entitled to an administrative
 678 review of any action by school personnel relating to such
 679 placement pursuant to the provisions of chapter 120.

680 Section 16. Section 1006.025, Florida Statutes, is
 681 repealed.

682 Section 17. Paragraph (b) of subsection (1) of section
 683 1006.09, Florida Statutes, is amended to read:

684 1006.09 Duties of school principal relating to student
 685 discipline and school safety.—

686 (1)

687 (b) The principal or the principal's designee may suspend a
 688 student only in accordance with the rules of the district school
 689 board. The principal or the principal's designee shall make a
 690 good faith effort to immediately inform a student's parent by
 691 telephone of a student's suspension and the reasons for the
 692 suspension. Each suspension and the reasons for the suspension
 693 shall be reported in writing within 24 hours to the student's
 694 parent by United States mail or by electronic transmission if
 695 authorized by district school board policy as reasonably
 696 calculated to notify the parent. Each suspension and the reasons

581-00792A-24

20247002pb

for the suspension shall also be reported in writing within 24 hours to the district school superintendent. A good faith effort shall be made by the principal or the principal's designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension or in the case of a serious breach of conduct as defined by rules of the district school board. Such rules shall require oral and written notice to the student of the charges and an explanation of the evidence against him or her prior to the suspension. Each student shall be given an opportunity to present his or her side of the story. No student shall be suspended for unexcused tardiness, lateness, absence, or truancy. The principal or the principal's designee may suspend any student transported to or from school at public expense from the privilege of riding on a school bus for violation of district school board transportation policies, which shall include a policy regarding behavior at school bus stops, and the principal or the principal's designee shall give notice in writing to the student's parent and to the district school superintendent within 24 hours. School personnel shall not be held legally responsible for suspensions of students made in good faith.

Section 18. Paragraph (j) is added to subsection (6) of section 1006.1494, Florida Statutes, to read:

1006.1494 Student online personal information protection.—

(6) This section does not do any of the following:

(j) Require a K-12 school, school district, or district school board to include any provision in a contract with any operator or vendor.

581-00792A-24

20247002pb

The State Board of Education may adopt rules to implement this section.

Section 19. Subsection (1) of section 1010.02, Florida Statutes, is amended to read:

1010.02 Financial accounting and expenditures.—

(1) All funds accruing to a school district or a Florida College System institution must be received, accounted for, and expended in accordance with law and rules of the State Board of Education.

(a) A school district may be subject to varying reporting frequencies based on its financial status, as determined in State Board of Education rule:

1. A school district identified as having a financial concern may be required to submit monthly financial reports.

2. A school district not identified as having a financial concern may be required to submit financial reports no more often than once every quarter.

(b) The State Board of Education shall adopt rules to establish criteria for determining the financial status of school districts for the purpose of financial reporting.

Section 20. Section 1010.11, Florida Statutes, is amended to read:

1010.11 Electronic transfer of funds.—Pursuant to the provisions of s. 215.85, each district school board, Florida College System institution board of trustees, and university board of trustees shall adopt written policies prescribing the accounting and control procedures under which any funds under their control are allowed to be moved by electronic transaction

581-00792A-24

20247002pb

for any purpose including direct deposit, wire transfer, withdrawal, investment, or payment. Electronic transactions shall comply with the provisions of chapter 668. However, district school boards are exempt from the requirements in s. 668.50(18)(b).

Section 21. Subsection (2) of section 1010.20, Florida Statutes, is amended to read:

1010.20 Cost accounting and reporting for school districts.—

(2) COST REPORTING.—

(a) Each district shall report on a district-aggregate basis expenditures for inservice training pursuant to s. 1011.62(3) and for categorical programs as provided in s. 1011.62(17).

(b) Each district shall report to the department on a school-by-school and on an aggregate district basis expenditures for:

1. Each program funded in s. 1011.62(1)(c).

2. Total operating costs as reported pursuant to s. 1010.215.

3. Expenditures for classroom instruction pursuant to the calculation in s. 1010.215(4)(b)1. and 2.

(c) Each charter school shall receive and respond to monitoring questions from the department.

(d) The department shall:

1. Categorize all public schools and districts into appropriate groups based primarily on average full-time equivalent student enrollment as reported on the most recent student membership survey under s. 1011.62 and in state board

581-00792A-24

20247002pb

rule to determine groups of peer schools and districts.

2. Annually calculate for each public school, district, and for the entire state, the percentage of classroom expenditures to total operating expenditures reported in subparagraphs (b)2. and 3. The results shall be categorized pursuant to this paragraph.

3. Annually calculate for all public schools, districts, and the state, the average percentage of classroom expenditures to total operating expenditures reported in subparagraphs (b)2. and 3. The results shall be categorized pursuant to this paragraph.

4. Develop a web-based fiscal transparency tool that identifies public schools and districts that produce high academic achievement based on the ratio of classroom instruction expenditures to total expenditures. The fiscal transparency tool shall combine the data calculated pursuant to this paragraph with the student performance measurements calculated pursuant to s. 1012.34(7) to determine the financial efficiency of each public school and district. The results shall be displayed in an easy to use format that enables the user to compare performance among public schools and districts.

(e) ~~(d)~~ The Commissioner of Education shall present to the Legislature, prior to the opening of the regular session each year, a district-by-district report of the expenditures reported pursuant to paragraphs (a) and (b). The report shall include total expenditures, a detailed analysis showing expenditures for each program, and such other data as may be useful for management of the education system. The Commissioner of Education shall also compute cost factors relative to the base

581-00792A-24 20247002pb

student allocation for each funded program in s. 1011.62(1)(c).

Section 22. Subsections (1) and (3) of section 1011.03, Florida Statutes, are amended to read:

1011.03 Public hearings; budget to be submitted to Department of Education.—

(1) Each district school board shall cause a summary of its tentative budget, including the proposed millage levies as provided for by law, to be posted on the district's official website ~~and advertised once in a newspaper of general circulation published in the district or on a publicly accessible website as provided in s. 50.0311 to be posted at the courthouse if there be no such newspaper.~~

(3) The board shall hold public hearings to adopt tentative and final budgets pursuant to s. 200.065. The hearings shall be primarily for the purpose of hearing requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and proposed or adopted amendments thereto, if any. The tentative budget must be posted on the district's official website at least 2 days before the budget hearing held pursuant to s. 200.065 or other law. The final adopted budget must be posted on the district's official website within 30 days after adoption. The board shall require the superintendent to transmit ~~two copies of~~ the adopted budget to the Department of Education as prescribed by law and rules of the State Board of Education.

Section 23. Subsections (2) and (4) of section 1011.035, Florida Statutes, are amended to read:

1011.035 School district fiscal transparency.—

(2) Each district school board shall post on its website:

581-00792A-24 20247002pb

(a) A plain language version of each proposed, tentative, and official budget which describes each budget item in terms that are easily understandable to the public ~~and includes:~~
~~(a) Graphical representations, for each public school within the district and for the school district, of the following:~~

~~1. Summary financial efficiency data.~~

~~2. Fiscal trend information for the previous 3 years on:~~

~~a. The ratio of full-time equivalent students to full-time equivalent instructional personnel.~~

~~b. The ratio of full-time equivalent students to full-time equivalent administrative personnel.~~

~~c. The total operating expenditures per full-time equivalent student.~~

~~d. The total instructional expenditures per full-time equivalent student.~~

~~e. The general administrative expenditures as a percentage of total budget.~~

~~f. The rate of change in the general fund's ending fund balance not classified as restricted.~~

(b) A link to the web-based fiscal transparency tool developed by the department pursuant to s. 1010.20 to enable taxpayers to evaluate the financial efficiency of the school district and compare the financial efficiency of the school district with other similarly situated school districts.

This information must be prominently posted on the school district's website in a manner that is readily accessible to the public.

581-00792A-24

20247002pb

871 (4) The website should contain links to+

872 ~~(a) Help explain or provide background information on~~

873 ~~various budget items that are required by state or federal law.~~

874 ~~(b) Allow users to navigate to related sites to view~~

875 ~~supporting details.~~

876 ~~(c)~~ enable taxpayers, parents, and education advocates to

877 send e-mails asking questions about the budget and enable others

878 to view the questions and responses.

879 Section 24. Subsection (1) of section 1011.14, Florida

880 Statutes, is amended to read:

881 1011.14 Obligations for a period of 1 year.—District school

882 boards are authorized only under the following conditions to

883 create obligations by way of anticipation of budgeted revenues

884 accruing on a current basis without pledging the credit of the

885 district or requiring future levy of taxes for certain purposes

886 for a period of 1 year; however, such obligations may be

887 extended from year to year with the consent of the lender for a

888 period not to exceed 4 years, or for a total of 5 years

889 including the initial year of the loan:

890 (1) PURPOSES.—The purposes for which such obligations may

891 be incurred within the intent of this section shall include only

892 the purchase of school buses, land, and equipment for

893 educational purposes; the erection of, alteration to, or

894 addition to educational plants, ancillary plants, and auxiliary

895 facilities; and the adjustment of insurance on educational

896 property on a 5-year plan, as provided by rules of the State

897 Board of Education.

898 Section 25. Subsection (2) of section 1011.60, Florida

899 Statutes, is amended to read:

581-00792A-24

20247002pb

900 1011.60 Minimum requirements of the Florida Education

901 Finance Program.—Each district which participates in the state

902 appropriations for the Florida Education Finance Program shall

903 provide evidence of its effort to maintain an adequate school

904 program throughout the district and shall meet at least the

905 following requirements:

906 (2) MINIMUM TERM.—Operate all schools for a term of 180

907 actual teaching days or the equivalent on an hourly basis as

908 specified by rules of the State Board of Education each school

909 year. The State Board of Education may prescribe procedures for

910 altering, and, upon written application, may alter, this

911 requirement during a national, state, or local emergency as it

912 may apply to an individual school or schools in any district or

913 districts if the district school board certifies to the

914 Commissioner of Education that if, in the opinion of the board,

915 it is not necessary feasible to make up lost days or hours, and

916 the apportionment may, at the discretion of the Commissioner of

917 Education and if the board determines that the reduction of

918 school days or hours is caused by the existence of a bona fide

919 emergency, be reduced for such district or districts in

920 proportion to the decrease in the length of term in any such

921 school or schools. A strike, as defined in s. 447.203(6), by

922 employees of the school district may not be considered an

923 emergency.

924 Section 26. Subsection (4) of section 1011.68, Florida

925 Statutes, is amended to read:

926 1011.68 Funds for student transportation.—The annual

927 allocation to each district for transportation to public school

928 programs, including charter schools as provided in s.

581-00792A-24

20247002pb

1002.33(17)(b), of students in membership in kindergarten through grade 12 and in migrant and exceptional student programs below kindergarten shall be determined as follows:

~~(4) No district shall use funds to purchase transportation equipment and supplies at prices which exceed those determined by the department to be the lowest which can be obtained, as prescribed in s. 1006.27(1).~~

Section 27. Subsection (4) of section 1011.69, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

1011.69 Equity in School-Level Funding Act.—

(4) After providing Title I, Part A, Basic funds to schools above the 75 percent poverty threshold, which may include high schools above the 50 percent threshold as permitted by federal law, school districts shall provide any remaining Title I, Part A, Basic funds directly to all eligible schools as provided in this subsection. For purposes of this subsection, an eligible school is a school that is eligible to receive Title I funds, including a charter school. ~~The threshold for identifying eligible schools may not exceed the threshold established by a school district for the 2016-2017 school year or the statewide percentage of economically disadvantaged students, as determined annually.~~

(a) Prior to the allocation of Title I funds to eligible schools, a school district may withhold funds only as follows:

1. One percent for parent involvement, in addition to the one percent the district must reserve under federal law for allocations to eligible schools for parent involvement;

2. A necessary and reasonable amount for administration

581-00792A-24

20247002pb

which includes the district's indirect cost rate, not to exceed a total of 10 percent;

3. A reasonable and necessary amount to provide:

a. Homeless programs;

b. Delinquent and neglected programs;

c. Prekindergarten programs and activities;

d. Private school equitable services; and

e. Transportation for foster care children to their school of origin or choice programs;

4. Up to 5 percent to provide financial incentives and rewards to teachers who serve students in Title I schools identified for comprehensive support and improvement activities or targeted support and improvement activities, for the purpose of attracting and retaining qualified and effective teachers, including teachers of any subject or grade level for whom a measurement under s. 1012.34(7) or a state-approved Alternative Student Growth Model is unavailable; and

~~5.4.~~ A necessary and reasonable amount, ~~not to exceed 1 percent,~~ for eligible schools to provide educational services in accordance with the approved Title I plan.

(b) All remaining Title I funds shall be distributed to all eligible schools in accordance with federal law and regulation. An eligible school may use funds under this subsection to participate in discretionary educational services provided by the school district. Any funds provided by an eligible school to participate in discretionary educational services provided by the school district are not subject to the requirements of this subsection.

(c) Any funds carried forward by the school district are

581-00792A-24

20247002pb

not subject to the requirements of this subsection.

(5) The Department of Education shall make funds from Title I, Title II, and Title III programs available to local education agencies for the full period of availability provided in federal law.

Section 28. Paragraphs (e) and (h) of subsection (2) and subsections (5) and (6) of section 1011.71, Florida Statutes, are amended, and paragraphs (l) and (m) are added to subsection (2) of that section, to read:

1011.71 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.5 mills against the taxable value for school purposes for charter schools pursuant to s. 1013.62(1) and (3) and for district schools to fund:

(e) Payments for educational plants, ancillary plants, and auxiliary facilities and sites due under a lease-purchase agreement entered into by a district school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not exceeding, in the aggregate, an amount equal to three-fourths of the proceeds from the millage levied by a district school board pursuant to this subsection. The three-fourths limit is waived for lease-purchase agreements entered into before June 30, 2009, by a district school board pursuant to this paragraph. If payments under lease-purchase agreements in the aggregate, including lease-purchase agreements entered into before June 30, 2009, exceed three-fourths of the proceeds from the millage levied pursuant to this subsection, the district school board may not withhold the administrative fees authorized by s. 1002.33(20) from any

581-00792A-24

20247002pb

charter school operating in the school district.

(h) Payment of costs of leasing relocatable educational plants, ancillary plants, and auxiliary facilities, of renting or leasing educational plants, ancillary plants, and auxiliary facilities and sites pursuant to s. 1013.15(2), or of renting or leasing buildings or space within existing buildings pursuant to s. 1013.15(4).

(l) The purchase, lease-purchase, or lease of driver education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

(m) Payment of the cost of premiums, as defined in s. 627.403, for property and casualty insurance necessary to insure school district educational and ancillary plants. As used in this paragraph, the term "casualty insurance" means the lines of insurance specified in s. 624.605(1)(d), (f), (g), (h), and (m). Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

~~(5) A school district may expend, subject to s. 200.065, up to \$175 per unweighted full-time equivalent student from the revenue generated by the millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), expenses for the following:~~

~~(a) The purchase, lease purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or~~

581-00792A-24

20247002pb

vehicles used in storing or distributing materials and equipment.

~~(b) Payment of the cost of premiums, as defined in s. 627.403, for property and casualty insurance necessary to insure school district educational and ancillary plants. As used in this paragraph, casualty insurance has the same meaning as in s. 624.605(1)(d), (f), (g), (h), and (m). Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.~~

~~(6)~~ Violations of the expenditure provisions in subsection (2) ~~or subsection (5)~~ shall result in an equal dollar reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year following the audit citation.

Section 29. Section 1013.15, Florida Statutes, is amended to read:

1013.15 Lease, rental, and lease-purchase of educational plants, ancillary plants, and auxiliary facilities and sites.—

(1) A board may lease any land, facilities, or educational plants owned by it to any person or entity for such term, for such rent, and upon such terms and conditions as the board determines to be in its best interests; any such lease may provide for the optional or binding purchase of the land, facilities, or educational plants by the lessee upon such terms and conditions as the board determines are in its best interests. A determination that any such land, facility, or educational plant so leased is unnecessary for educational

581-00792A-24

20247002pb

purposes is not a prerequisite to the leasing or lease-purchase of such land, facility, or educational plant. Prior to entering into or executing any such lease, a board shall consider approval of the lease or lease-purchase agreement at a public meeting, at which a copy of the proposed agreement in its final form shall be available for inspection and review by the public, after due notice as required by law.

(2) (a) A district school board may rent or lease educational plants, ancillary plants, and auxiliary facilities and sites as defined in s. 1013.01. Educational plants, ancillary plants, and auxiliary facilities and sites rented or leased for 1 year or less shall be funded through the operations budget or funds derived from millage proceeds pursuant to s. 1011.71(2). A lease contract for 1 year or less, when extended or renewed beyond a year, becomes a multiple-year lease. Operational funds or funds derived from millage proceeds pursuant to s. 1011.71(2) may be authorized to be expended for multiple-year leases. All leased facilities and sites must be inspected prior to occupancy by the authority having jurisdiction.

1. All newly leased spaces must be inspected and brought into compliance with the Florida Building Code pursuant to chapter 553 and the life safety codes pursuant to chapter 633, prior to occupancy, using the board's operations budget or funds derived from millage proceeds pursuant to s. 1011.71(2).

2. Plans for renovation or remodeling of leased space shall conform to the Florida Building Code and the Florida Fire Prevention Code for educational occupancies or other occupancies, as appropriate and as required in chapters 553 and

581-00792A-24

20247002pb

633, prior to occupancy.

3. All leased facilities must be inspected annually for firesafety deficiencies in accordance with the applicable code and have corrections made in accordance with s. 1013.12. Operational funds or funds derived from millage proceeds pursuant to s. 1011.71(2) may be used to correct deficiencies in leased space.

4. When the board declares that a public emergency exists, it may take up to 30 days to bring the leased facility into compliance with the requirements of State Board of Education rules.

(b) A board is authorized to lease-purchase educational plants, ancillary plants, and auxiliary facilities and sites as defined in s. 1013.01, and a district school board is authorized to lease-purchase educational plants, ancillary plants, and auxiliary facilities and sites. The lease-purchase of educational plants, ancillary plants, and auxiliary facilities and sites must, where applicable, comply with ~~shall be as required by~~ s. 1013.37, subject to the authorization in s. 1013.385 to exempt certain facilities from the requirements of that section; must ~~shall~~ be advertised for and receive competitive proposals and be awarded to the best proposer; and must ~~shall~~ be funded using current or other funds specifically authorized by law to be used for such purpose.

1. A district school board, by itself, or through a direct-support organization formed pursuant to s. 1001.453 or nonprofit educational organization or a consortium of district school boards, may, in developing a lease-purchase of educational plants, ancillary plants, and auxiliary facilities and sites

Page 39 of 90

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

581-00792A-24

20247002pb

provide for separately advertising for and receiving competitive bids or proposals on the construction of facilities and the selection of financing to provide the lowest cost funding available, so long as the board determines that such process would best serve the public interest and the available pledged revenues are limited to those authorized in s. 1011.71(2) ~~s. 1011.71(2)(c)~~.

2. All activities and information, including lists of individual participants, associated with agreements made pursuant to this section shall be subject to the provisions of chapter 119 and s. 286.011.

(c)1. The term of any lease-purchase agreement, including the initial term and any subsequent renewals, shall not exceed the useful life of the educational facilities and sites for which the agreement is made, or 30 years, whichever is less.

2. The initial term or any renewal term of any lease-purchase agreement shall expire on June 30 of each fiscal year, but may be automatically renewed annually, subject to a board making sufficient annual appropriations therefor. Under no circumstances shall the failure of a board to renew a lease-purchase agreement constitute a default or require payment of any penalty or in any way limit the right of a board to purchase or utilize educational plants, ancillary plants, and auxiliary facilities and sites similar in function to the educational plants, ancillary plants, and auxiliary facilities and sites that are the subject of the said lease-purchase agreement. Educational plants, ancillary plants, and auxiliary facilities and sites being acquired pursuant to a lease-purchase agreement shall be exempt from ad valorem taxation.

Page 40 of 90

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

581-00792A-24

20247002pb

1161 3. No lease-purchase agreement entered into pursuant to
1162 this subsection shall constitute a debt, liability, or
1163 obligation of the state or a board or shall be a pledge of the
1164 faith and credit of the state or a board.

1165 4. Any lease-purchase agreement entered into pursuant to
1166 this subsection shall stipulate an annual rate which may consist
1167 of a principal component and an interest component, provided
1168 that the maximum interest rate of any interest component payable
1169 under any such lease-purchase agreement, or any participation or
1170 certificated portion thereof, shall be calculated in accordance
1171 with and be governed by the provisions of s. 215.84.

1172 (3) Lease or lease-purchase agreements entered into by
1173 university boards of trustees shall comply with the provisions
1174 of ss. 1013.171 and 1010.62.

1175 (4) (a) A board may rent or lease existing buildings, or
1176 space within existing buildings, originally constructed or used
1177 for purposes other than education, for conversion to use as
1178 educational facilities. Such buildings rented or leased for 1
1179 year or less shall be funded through the operations budget or
1180 funds derived from millage pursuant to s. 1011.71(2). A rental
1181 agreement or lease contract for 1 year or less, when extended or
1182 renewed beyond a year, becomes a multiple-year rental or lease.
1183 Operational funds or funds derived from millage proceeds
1184 pursuant to s. 1011.71(2) may be authorized to be expended for
1185 multiple-year rentals or leases. Notwithstanding any other
1186 provisions of this section, if a building was constructed in
1187 conformance with all applicable building and life safety codes,
1188 it shall be deemed to meet the requirements for use and
1189 occupancy as an educational facility subject only to the

581-00792A-24

20247002pb

1190 provisions of this subsection.

1191 (b) Prior to occupying a rented or a leased existing
1192 building, or space within an existing building, pursuant to this
1193 subsection, a school board shall, in a public meeting, adopt a
1194 resolution certifying that the following circumstances apply to
1195 the building proposed for occupancy:

1196 1. Growth among the school-age population in the school
1197 district has created a need for new educational facilities in a
1198 neighborhood where there is little or no vacant land.

1199 2. There exists a supply of vacant space in existing
1200 buildings that meet state minimum building and life safety
1201 codes.

1202 3. Acquisition and conversion to use as educational
1203 facilities of an existing building or buildings is a cost-saving
1204 means of providing the needed classroom space as determined by
1205 the difference between the cost of new construction, including
1206 land acquisition and preparation and, if applicable, demolition
1207 of existing structures, and the cost of acquisition through
1208 rental or lease and conversion of an existing building or
1209 buildings.

1210 4. The building has been examined for suitability, safety,
1211 and conformance with state minimum building and life safety
1212 codes. The building examination shall consist, at a minimum, of
1213 a review of existing documents, building site reconnaissance,
1214 and analysis of the building conducted by, or under the
1215 responsible charge of, a licensed structural engineer.

1216 5. A certificate of evaluation has been issued by an
1217 appropriately licensed design professional which states that,
1218 based on available documents, building site reconnaissance,

581-00792A-24

20247002pb

current knowledge, and design judgment in the professional's opinion, the building meets the requirements of state minimum building and life safety codes, provides safe egress of occupants from the building, provides adequate firesafety, and does not pose a substantial threat to life to persons who would occupy the building for classroom use.

6. The plans for conversion of the building were prepared by an appropriate design professional licensed in this state and the work of conversion was performed by contractors licensed in this state.

7. The conversion of the building was observed by an appropriate design professional licensed in this state.

8. The building has been reviewed, inspected, and granted a certificate of occupancy by the local building department.

9. All ceilings, light fixtures, ducts, and registers within the area to be occupied for classroom purposes were constructed or have been reconstructed to meet state minimum requirements.

Section 30. Subsection (1) of section 1013.16, Florida Statutes, is amended to read:

1013.16 Construction of facilities on leased property; conditions.—

(1) A board may construct or place educational facilities and ancillary facilities on land that is owned by any person after the board has acquired from the owner of the land a long-term lease for the use of this land for a period of not less than 40 years or the life expectancy of the permanent facilities constructed thereon, whichever is longer; however, the minimum lease term of 40 years does not apply to district school boards.

581-00792A-24

20247002pb

Section 31. Section 1013.19, Florida Statutes, is amended to read:

1013.19 Purchase, conveyance, or encumbrance of property interests above surface of land; joint-occupancy structures.—For the purpose of implementing jointly financed construction project agreements, or for the construction of combined occupancy structures, any board may purchase, own, convey, sell, lease, or encumber airspace or any other interests in property above the surface of the land, provided the lease of airspace for nonpublic use is for such reasonable rent, length of term, and conditions as the board in its discretion may determine. All proceeds from such sale or lease shall be used by a the board of trustees for a Florida College System institution or state university or boards receiving the proceeds solely for fixed capital outlay purposes. These purposes may include the renovation or remodeling of existing facilities owned by the board or the construction of new facilities; however, for a Florida College System institution board or university board, such new facility must be authorized by the Legislature. It is declared that the use of such rental by the board for public purposes in accordance with its statutory authority is a public use. Airspace or any other interest in property held by the Board of Trustees of the Internal Improvement Trust Fund or the State Board of Education may not be divested or conveyed without approval of the respective board. Any building, including any building or facility component that is common to both nonpublic and educational portions thereof, constructed in airspace that is sold or leased for nonpublic use pursuant to this section is subject to all applicable state, county, and municipal

581-00792A-24

20247002pb

regulations pertaining to land use, zoning, construction of buildings, fire protection, health, and safety to the same extent and in the same manner as such regulations would be applicable to the construction of a building for nonpublic use on the appurtenant land beneath the subject airspace. Any educational facility constructed or leased as a part of a joint-occupancy facility is subject to all rules and requirements of the respective boards or departments having jurisdiction over educational facilities. Any contract executed by a university board of trustees pursuant to this section is subject to the provisions of s. 1010.62.

Section 32. Subsection (1) of section 1013.20, Florida Statutes, is amended to read:

1013.20 Standards for relocatables used as classroom space; inspections.—

(1) The State Board of Education shall adopt rules establishing standards for relocatables intended for long-term use as classroom space at a public elementary school, middle school, or high school. "Long-term use" means the use of relocatables at the same educational plant for a period of 4 years or more. Each relocatable acquired by a district school board after the effective date of the rules and intended for long-term use must comply with the standards. ~~District school boards shall submit a plan for the use of existing relocatables within the 5-year work program to be reviewed and approved by the commissioner by January 1, 2003. A progress report shall be provided by the commissioner to the Speaker of the House of Representatives and the President of the Senate each January thereafter. Relocatables that fail to meet the standards after~~

581-00792A-24

20247002pb

~~completion of the approved plan may not be used as classrooms.~~
The standards shall protect the health, safety, and welfare of occupants by requiring compliance with the Florida Building Code or the State Requirements for Educational Facilities for existing relocatables, as applicable, to ensure the safety and stability of construction and onsite installation; fire and moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990. If appropriate and where relocatables are not scheduled for replacement, the standards must also require relocatables to provide access to the same technologies available to similar classrooms within the main school facility and, if appropriate, and where relocatables are not scheduled for replacement, to be accessible by adequate covered walkways. A relocatable that is subject to this section and does not meet the standards shall not be reported as providing satisfactory student stations in the Florida Inventory of School Houses.

Section 33. Section 1013.21, Florida Statutes, is repealed.

Section 34. Paragraph (a) of subsection (2) of section 1013.28, Florida Statutes, is amended to read:

1013.28 Disposal of property.—

(2) TANGIBLE PERSONAL PROPERTY.—

(a) Tangible personal property that has been properly classified as surplus by a district school board or Florida College System institution board of trustees shall be disposed of in accordance with the procedure established by chapter 274. However, the provisions of chapter 274 shall not be applicable to a motor vehicle used in driver education to which title is

581-00792A-24

20247002pb

obtained for a token amount from an automobile dealer or manufacturer. In such cases, the disposal of the vehicle shall be as prescribed in the contractual agreement between the automotive agency or manufacturer and the board. ~~Tangible personal property that has been properly classified as surplus, marked for disposal, or otherwise unused by a district school board shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district.~~ A charter school receiving tangible personal property that has been properly classified as surplus, marked for disposal, or otherwise unused by a district school board property from the school district may not sell or dispose of such property without the written permission of the school district.

Section 35. Section 1013.31, Florida Statutes, is amended to read:

1013.31 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each Florida College System institution and state university board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Department of Education shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a ~~school~~

581-00792A-24

20247002pb

~~district or~~ Florida College System institution that delivers career or adult education programs. Information used by the Department of Education to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the ~~school district or~~ Florida College System institution.

(a) ~~Educational plant survey and localized need assessment for capital outlay purposes.~~ A survey recommendation is not required when a district uses funds from the following sources for educational, auxiliary, and ancillary plant capital outlay purposes:

1. ~~The local capital outlay improvement fund, consisting of funds that come from and are a part of the district's basic operating budget;~~

2. ~~A taxpayer-approved bond referendum, to fund construction of an educational, auxiliary, or ancillary plant facility;~~

3. ~~One-half cent sales surtax revenue;~~

4. ~~One cent local governmental surtax revenue;~~

5. ~~Impact fees;~~

6. ~~Private gifts or donations; and~~

7. ~~The district school tax levied pursuant to s.~~

~~1011.71(2).~~

~~(b)~~ Survey preparation and required data.—Each survey must ~~shall~~ be conducted by the Florida College System institution or state university board or an agency employed by the board. Surveys must ~~shall~~ be reviewed and approved by the board, and a file copy must ~~shall~~ be submitted to the Department of Education or the Chancellor of the State University System, as

581-00792A-24

20247002pb

appropriate. The survey report must ~~shall~~ include at least an inventory of existing educational and ancillary plants, including safe access facilities; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan and safe access facilities; campus master plan update and detail for Florida College System institutions; ~~the utilization of school plants based on an extended school day or year-round operation;~~ and such other information as may be required by the Department of Education. This report may be amended, if conditions warrant, at the request of the department or commissioner.

(b) ~~(e)~~ Required need assessment criteria for district, Florida College System institution, state university, and Florida School for the Deaf and the Blind plant surveys.— Educational plant surveys must use uniform data sources and criteria specified in this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

1. ~~The school district's survey must be submitted as a part of the district educational facilities plan defined in s. 1013.35. To ensure that the data reported to the Department of Education as required by this section is correct, the department shall annually conduct an onsite review of 5 percent of the facilities reported for each school district completing a new survey that year. If the department's review finds the data reported by a district is less than 95 percent accurate, within 1 year from the time of notification by the department the district must submit revised reports correcting its data. If a~~

581-00792A-24

20247002pb

~~district fails to correct its reports, the commissioner may direct that future fixed capital outlay funds be withheld until such time as the district has corrected its reports so that they are not less than 95 percent accurate.~~

2. Each survey of a special facility, joint-use facility, or cooperative career education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts and Florida College System institutions and by the Chancellor of the State University System for universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, Florida College System institutions, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities.

2.3. ~~Each Florida College System institution's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Department of Education. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time student enrollment prepared by the Department of Education.~~

3.4. Each state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Chancellor of the State University System. Projections of facility space needs must be

581-00792A-24

20247002pb

consistent with standards for determining space needs as specified by regulation of the Board of Governors. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the Board of Governors.

~~4.5-~~ The district educational facilities plan of a school district and the educational plant survey of a Florida College System institution, state university, or the Florida School for the Deaf and the Blind may include space needs that deviate from approved standards for determining space needs if the deviation is justified by the district or institution and approved by the department or the Board of Governors, as appropriate, as necessary for the delivery of an approved educational program.

(c) ~~(d)~~ Review and validation.—The Department of Education shall review and validate the surveys of school districts and Florida College System institutions, and the Chancellor of the State University System shall review and validate the surveys of universities, and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education or the Board of Governors, as appropriate. ~~Annually, the department shall perform an in-depth analysis of a representative sample of each survey of recommended needs for five districts selected by the commissioner from among districts with the largest need-to-revenue ratio. For the purpose of this subsection, the need-to-revenue ratio is determined by dividing the total 5-year cost of projects listed on the district survey by the total 5-year fixed capital outlay revenue projections from state and local sources as determined by the department. The commissioner may condition~~

581-00792A-24

20247002pb

the receipt of direct fixed capital outlay funds provided from general revenue or from state trust funds by district school boards to be withheld from districts until such time as the district school board submits a survey that accurately projects facilities needs as indicated by the Florida Inventory of School Houses, as compared with the district's capital outlay full-time equivalent enrollment, as determined by the department.

(d) ~~(e)~~ Periodic update of Florida Inventory of School Houses.—School districts shall periodically update their inventory of educational facilities as new capacity becomes available and as unsatisfactory space is eliminated. The State Board of Education shall adopt rules to determine the timeframe in which districts must provide a periodic update.

(2) Only the district school superintendent, Florida College System institution president, or the university president shall certify to the Department of Education a project's compliance with the requirements for expenditure of PECO funds prior to release of funds.

(a) Upon request for release of PECO funds for planning purposes, certification must be made to the Department of Education that the need for and location of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the plan is consistent with the local government comprehensive plan.

(b) Upon request for release of construction funds, certification must be made to the Department of Education that the need and location of the facility are in compliance with the board-approved survey recommendations, that the project meets

581-00792A-24

20247002pb

the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the construction documents meet the requirements of the Florida Building Code for educational facilities construction, subject to the authorization in s. 1013.385 to exempt certain facilities from the requirements of s. 1013.37, or other applicable codes as authorized in this chapter.

Section 36. Section 1013.35, Florida Statutes, is amended to read:

1013.35 School district educational facilities plan; definitions; preparation, adoption, and amendment; long-term work programs.—

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

(a) ~~“Adopted educational facilities plan” means the comprehensive planning document that is adopted annually by the district school board as provided in subsection (2) and that contains the educational plant survey.~~

(b) ~~“District facilities work program” means the 5-year listing of capital outlay projects adopted by the district school board as provided in subparagraph (2)(a)2. and paragraph (2)(b) as part of the district educational facilities plan, which is required in order to:~~

~~1. Properly maintain the educational plant and ancillary facilities of the district.~~

~~2. Provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs in accordance with the goal in s. 1013.21.~~

(c) ~~“Tentative educational facilities plan” means the comprehensive planning document prepared annually by the~~

581-00792A-24

20247002pb

~~district school board and submitted to the Office of Educational Facilities and the affected general-purpose local governments.~~

~~(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN.—~~

~~(a) Annually, before prior to the adoption of the district school budget, each district school board shall prepare a tentative district educational facilities plan that includes long-range planning for facilities needs over 5-year, 10-year, and 20-year periods. The plan must be developed in coordination with the general-purpose local governments and be consistent with the local government comprehensive plans. The school board’s plan for provision of new schools must meet the needs of all growing communities in the district, ranging from small rural communities to large urban cities. The plan must include:~~

~~1. Projected student populations apportioned geographically at the local level. The projections must be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136, where available, as modified by the district based on development data and agreement with the local governments and the Office of Educational Facilities. The projections must be apportioned geographically with assistance from the local governments using local development trend data and the school district student enrollment data.~~

~~2. An inventory of existing school facilities. Any anticipated expansions or closures of existing school sites over the 5-year, 10-year, and 20-year periods must be identified. The inventory must include an assessment of areas proximate to existing schools and identification of the need for improvements to infrastructure, safety, including safe access routes, and~~

581-00792A-24

20247002pb

conditions in the community. The plan must also provide a listing of major repairs and renovation projects anticipated over the period of the plan.

3. ~~Projections of facilities space needs, which may not exceed the norm space and occupant design criteria established in the State Requirements for Educational Facilities.~~

4. ~~Information on leased, loaned, and donated space and relocatables used for conducting the district's instructional programs.~~

5. ~~The general location of public schools proposed to be constructed over the 5-year, 10-year, and 20-year time periods, including a listing of the proposed schools' site acreage needs and anticipated capacity and maps showing the general locations. The school board's identification of general locations of future school sites must be based on the school siting requirements of s. 163.3177(6) (a) and policies in the comprehensive plan which provide guidance for appropriate locations for school sites.~~

6. ~~The identification of options deemed reasonable and approved by the school board which reduce the need for additional permanent student stations. Such options may include, but need not be limited to:~~

a. ~~Acceptable capacity;~~

b. ~~Redistricting;~~

c. ~~Busing;~~

d. ~~Year-round schools;~~

e. ~~Charter schools;~~

f. ~~Magnet schools; and~~

g. ~~Public-private partnerships.~~

7. ~~The criteria and method, jointly determined by the local~~

581-00792A-24

20247002pb

government and the school board, for determining the impact of proposed development to public school capacity.

~~(b) The plan must also include a financially feasible district facilities work program for a 5-year period. The work program must include:~~

1. ~~A schedule of major repair and renovation projects necessary to maintain the educational facilities and ancillary facilities of the district.~~

2. ~~A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule shall consider:~~

a. ~~The locations, capacities, and planned utilization rates of current educational facilities of the district. The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses must be compared to the capital outlay full-time-equivalent student enrollment as determined by the department, including all enrollment used in the calculation of the distribution formula in s. 1013.64.~~

b. ~~The proposed locations of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 1013.33(6), (7), and (8) and 1013.36 must be addressed for new facilities planned within the first 3 years of the work plan, as appropriate.~~

c. ~~Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.~~

d. ~~Plans for multitrack scheduling, grade level~~

581-00792A-24

20247002pb

organization, block scheduling, or other alternatives that reduce the need for additional permanent student stations.

~~e. Information concerning average class size and utilization rate by grade level within the district which will result if the tentative district facilities work program is fully implemented.~~

~~f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. For determining future needs, student capacity may not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district educational facilities plan and in the district facilities work program adopted under this section. Those relocatable classrooms clearly identified and scheduled for replacement in a school board adopted, financially feasible, 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed and the relocatable classrooms are not replaced as scheduled in the work program, the classrooms must be reentered into the system and be counted at actual capacity. Relocatable classrooms may not be perpetually added to the work program or continually extended for purposes of circumventing this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, must be counted at actual student capacity. The district educational facilities plan must identify the number of relocatable student stations~~

581-00792A-24

20247002pb

~~scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement.~~

~~g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.~~

~~h. Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order on a project priority list within the district facilities work program.~~

~~3. The projected cost for each project identified in the district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.~~

~~4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the district facilities work program.~~

~~5. A schedule indicating which projects included in the district facilities work program will be funded from current revenues projected in subparagraph 4.~~

~~6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may~~

581-00792A-24

20247002pb

1683 ~~include Classrooms First funds.~~

1684 ~~(e) To the extent available, the tentative district~~
 1685 ~~educational facilities plan shall be based on information~~
 1686 ~~produced by the demographic, revenue, and education estimating~~
 1687 ~~conferences pursuant to s. 216.136.~~

1688 (2)(d) Provision must ~~shall~~ be made for public comment
 1689 concerning the tentative district educational facilities plan.

1690 ~~(e) The district school board shall coordinate with each~~
 1691 ~~affected local government to ensure consistency between the~~
 1692 ~~tentative district educational facilities plan and the local~~
 1693 ~~government comprehensive plans of the affected local governments~~
 1694 ~~during the development of the tentative district educational~~
 1695 ~~facilities plan.~~

1696 (3)(f) Not less than once every 5 years, the district
 1697 school board shall have an audit conducted of the district's
 1698 educational planning and construction activities. An operational
 1699 audit conducted by the Auditor General pursuant to s. 11.45
 1700 satisfies this requirement.

1701 (4)(3) ~~SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL~~
 1702 ~~FACILITIES PLAN TO LOCAL GOVERNMENT.~~ The district school board
 1703 shall submit a copy of its tentative district educational
 1704 facilities plan to all affected local governments before ~~prior~~
 1705 ~~to~~ adoption by the board. The affected local governments may
 1706 ~~shall~~ review the tentative district educational facilities plan
 1707 and comment to the district school board on the consistency of
 1708 the plan with the local comprehensive plan, whether a
 1709 comprehensive plan amendment will be necessary for any proposed
 1710 educational facility, and whether the local government supports
 1711 a necessary comprehensive plan amendment. If the local

581-00792A-24

20247002pb

1712 government does not support a comprehensive plan amendment for a
 1713 proposed educational facility, the matter must ~~shall~~ be resolved
 1714 pursuant to the interlocal agreement when required by ss.
 1715 163.3177(6)(h), 163.31777, and 1013.33(2). The process for the
 1716 submittal and review must ~~shall~~ be detailed in the interlocal
 1717 agreement when required pursuant to ss. 163.3177(6)(h),
 1718 163.31777, and 1013.33(2).

1719 (5)(4) ~~ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN.~~
 1720 Annually, the district school board shall consider and adopt the
 1721 tentative district educational facilities plan ~~completed~~
 1722 ~~pursuant to subsection (2)~~. Upon giving proper notice to the
 1723 public and local governments and opportunity for public comment,
 1724 the district school board may amend the plan to revise the
 1725 priority of projects, to add or delete projects, to reflect the
 1726 impact of change orders, or to reflect the approval of new
 1727 revenue sources which may become available. The adopted district
 1728 educational facilities plan must ~~shall~~:

1729 (a) Be a complete, balanced, and financially feasible
 1730 capital outlay financial plan for the district.

1731 (b) Set forth the proposed commitments and planned
 1732 expenditures of the district to address the educational
 1733 facilities needs of its students and to adequately provide for
 1734 the maintenance of the educational plant and ancillary
 1735 facilities, including safe access ways from neighborhoods to
 1736 schools.

1737 (6)(5) ~~EXECUTION OF ADOPTED DISTRICT EDUCATIONAL FACILITIES~~
 1738 ~~PLAN.~~ The first year of the adopted district educational
 1739 facilities plan constitutes ~~shall constitute~~ the capital outlay
 1740 budget required in s. 1013.61. ~~The adopted district educational~~

581-00792A-24

20247002pb

1741 ~~facilities plan shall include the information required in~~
 1742 ~~subparagraphs (2)(b)1., 2., and 3., based upon projects actually~~
 1743 ~~funded in the plan.~~

1744 Section 37. Section 1013.356, Florida Statutes, is amended
 1745 to read:

1746 1013.356 Local funding for educational facilities benefit
 1747 districts or community development districts.—Upon confirmation
 1748 by a district school board of the commitment of revenues by an
 1749 educational facilities benefit district or community development
 1750 district necessary to construct and maintain an educational
 1751 facility contained within an individual district facilities work
 1752 program or proposed by an approved charter school or a charter
 1753 school applicant, the following funds shall be provided to the
 1754 educational facilities benefit district or community development
 1755 district annually, beginning with the next fiscal year after
 1756 confirmation until the district's financial obligations are
 1757 completed:

1758 (1) All educational facilities impact fee revenue collected
 1759 for new development within the educational facilities benefit
 1760 district or community development district. Funds provided under
 1761 this subsection shall be used to fund the construction and
 1762 capital maintenance costs of educational facilities.

1763 (2) For construction and capital maintenance costs not
 1764 covered by the funds provided under subsection (1), an annual
 1765 amount contributed by the district school board equal to one-
 1766 half of the remaining costs of construction and capital
 1767 maintenance of the educational facility. ~~Any construction costs~~
 1768 ~~above the cost per student criteria established in s.~~
 1769 ~~1013.64(6)(b)1. shall be funded exclusively by the educational~~

581-00792A-24

20247002pb

1770 ~~facilities benefit district or the community development~~
 1771 ~~district.~~ Funds contributed by a district school board shall not
 1772 be used to fund operational costs.

1773
 1774 Educational facilities funded pursuant to this act may be
 1775 constructed on land that is owned by any person after the
 1776 district school board has acquired from the owner of the land a
 1777 long-term lease for the use of this land for a period of not
 1778 less than ~~40 years or~~ the life expectancy of the permanent
 1779 facilities constructed thereon, ~~whichever is longer.~~ All
 1780 interlocal agreements entered into pursuant to this act must
 1781 ~~shall~~ provide for ownership of educational facilities funded
 1782 pursuant to this act to revert to the district school board if
 1783 such facilities cease to be used for public educational purposes
 1784 before ~~prior to 40 years after construction or prior to the end~~
 1785 ~~of the life expectancy of the educational facilities, whichever~~
 1786 ~~is longer.~~

1787 Section 38. Section 1013.385, Florida Statutes, is amended
 1788 to read:

1789 1013.385 School district construction flexibility.—

1790 ~~(1)~~ A district school board may, with a majority vote at a
 1791 public meeting that begins no earlier than 5 p.m., adopt a
 1792 resolution to implement one or more ~~of the~~ exceptions to the
 1793 educational facilities construction requirements to provide
 1794 ~~provided in this section.~~

1795 ~~(2) A resolution adopted under this section may propose~~
 1796 ~~implementation of exceptions to requirements of the uniform~~
 1797 ~~statewide building code for the planning and construction of~~
 1798 ~~public educational and ancillary plants adopted pursuant to ss.~~

581-00792A-24

20247002pb

1799 ~~553.73 and 1013.37 relating to:~~

1800 ~~(a) Interior non-load-bearing walls, by approving the use~~
 1801 ~~of fire-rated wood stud walls in new construction or remodeling~~
 1802 ~~for interior non-load-bearing wall assemblies that will not be~~
 1803 ~~exposed to water or located in wet areas.~~

1804 ~~(b) Walkways, roadways, driveways, and parking areas, by~~
 1805 ~~approving the use of designated, stabilized, and well-drained~~
 1806 ~~gravel or grassed student parking areas.~~

1807 ~~(c) Standards for relocatables used as classroom space, as~~
 1808 ~~specified in s. 1013.20, by approving construction~~
 1809 ~~specifications for installation of relocatable buildings that do~~
 1810 ~~not have covered walkways leading to the permanent buildings~~
 1811 ~~onsite.~~

1812 ~~(d) Site lighting, by approving construction specifications~~
 1813 ~~regarding site lighting that:~~

1814 ~~1. Do not provide for lighting of gravel or grassed~~
 1815 ~~auxiliary or student parking areas.~~

1816 ~~2. Provide lighting for walkways, roadways, driveways,~~
 1817 ~~paved parking lots, exterior stairs, ramps, and walkways from~~
 1818 ~~the exterior of the building to a public walkway through~~
 1819 ~~installation of a timer that is set to provide lighting only~~
 1820 ~~during periods when the site is occupied.~~

1821 ~~3. Allow lighting for building entrances and exits to be~~
 1822 ~~installed with a timer that is set to provide lighting only~~
 1823 ~~during periods in which the building is occupied. The minimum~~
 1824 ~~illumination level at single-door exits may be reduced to no~~
 1825 ~~less than 1 foot-candle.~~

1826 ~~(e) Any other provisions that limit a school with the~~
 1827 ~~ability of a school to operate in a facility on the same basis~~

581-00792A-24

20247002pb

1828 as a charter school pursuant to s. 1002.33(18). When a hurricane
 1829 evacuation shelter deficit, as determined by the Division of
 1830 Emergency Management, in the regional planning council region in
 1831 which the county is located makes public shelter design criteria
 1832 applicable, any exceptions to the public shelter design criteria
 1833 remain subject to the concurrence of the applicable local
 1834 emergency management agency or the Division of Emergency
 1835 Management so long as the regional planning council determines
 1836 that there is sufficient shelter capacity within the school
 1837 district as documented in the Statewide Emergency Shelter Plan.
 1838 A school board may not be required to build more emergency-
 1839 shelter space than identified as needed in the Statewide
 1840 Emergency Shelter Plan.

1841 Section 39. Subsections (3) and (4) of section 1013.41,
 1842 Florida Statutes, are amended to read:

1843 1013.41 SMART schools; Classrooms First; legislative
 1844 purpose.—

1845 (3) SCHOOL DISTRICT EDUCATIONAL FACILITIES PLAN.—It is the
 1846 purpose of the Legislature to create s. 1013.35, requiring each
 1847 school district annually to adopt an educational facilities plan
 1848 that provides an integrated long-range facilities plan,
 1849 ~~including the survey of projected needs and the 5-year work~~
 1850 ~~program.~~ The purpose of the educational facilities plan is to
 1851 keep the district school board, local governments, and the
 1852 public fully informed as to whether the district is using sound
 1853 policies and practices that meet the essential needs of students
 1854 and that warrant public confidence in district operations. The
 1855 educational facilities plan will be monitored by the Office of
 1856 Educational Facilities, which will also apply performance

581-00792A-24

20247002pb

standards pursuant to s. 1013.04.

(4) OFFICE OF EDUCATIONAL FACILITIES.—It is the purpose of the Legislature to require the Office of Educational Facilities to assist school districts in building SMART schools utilizing functional and frugal practices. The Office of Educational Facilities ~~shall must~~ review district facilities ~~work programs and~~ projects and identify opportunities to maximize design and construction savings; ~~develop school district facilities work program performance standards;~~ and provide for review and recommendations to the Governor, the Legislature, and the State Board of Education.

Section 40. Paragraph (e) of subsection (1) and subsection (4) of section 1013.45, Florida Statutes, are amended to read:

1013.45 Educational facilities contracting and construction techniques for school districts and Florida College System institutions.—

(1) District school boards and boards of trustees of Florida College System institutions may employ procedures to contract for construction of new facilities, or for additions, remodeling, renovation, maintenance, or repairs to existing facilities, which include, but are not limited to:

(e) Day-labor contracts not exceeding \$280,000 for construction, renovation, remodeling, or maintenance of existing facilities. This amount shall be adjusted annually based upon changes in the Consumer Price Index. District school boards are exempt from the contract limitations provided in this paragraph.

(4) Except as otherwise provided in this section and s. 481.229, the services of a registered architect must be used by Florida College System institution and state university boards

581-00792A-24

20247002pb

of trustees for the development of plans for the erection, enlargement, or alteration of any educational facility. The services of a registered architect are not required for a minor renovation project for which the construction cost is less than \$50,000 or for the placement or hookup of relocatable educational-facilities that conform to standards adopted under s. 1013.37. However, boards must provide compliance with building code requirements and ensure that these structures are adequately anchored for wind resistance as required by law. A ~~district school board shall reuse existing construction documents or design criteria packages if such reuse is feasible and practical. If a school district's 5 year educational facilities work plan includes the construction of two or more new schools for students in the same grade group and program, such as elementary, middle, or high school, the district school board must require that prototype design and construction be used for the construction of these schools.~~ Notwithstanding s. 287.055, a board may purchase the architectural services for the design of educational or ancillary facilities under an existing contract agreement for professional services held by a district school board in the State of Florida, provided that the purchase is to the economic advantage of the purchasing board, the services conform to the standards prescribed by rules of the State Board of Education, and such reuse is not without notice to, and permission from, the architect of record whose plans or design criteria are being reused. Plans must be reviewed for compliance with the State Requirements for Educational Facilities. Rules adopted under this section must establish uniform prequalification, selection, bidding, and negotiation

581-00792A-24

20247002pb

procedures applicable to construction management contracts and the design-build process. This section does not supersede any small, woman-owned, or minority-owned business enterprise preference program adopted by a board. Except as otherwise provided in this section, the negotiation procedures applicable to construction management contracts and the design-build process must conform to the requirements of s. 287.055. A board may not modify any rules regarding construction management contracts or the design-build process.

Section 41. Section 1013.451, Florida Statutes, is repealed.

Section 42. Section 1013.48, Florida Statutes, is amended to read:

1013.48 Changes in construction requirements after award of contract.—The board may, at its option and by written policy duly adopted and entered in its official minutes, authorize the superintendent or president or other designated individual to approve change orders in the name of the board for preestablished amounts. Approvals must ~~shall~~ be for the purpose of expediting the work in progress and must ~~shall~~ be reported to the board and entered in its official minutes. ~~For accountability, the school district shall monitor and report the impact of change orders on its district educational facilities plan pursuant to s. 1013.35.~~

Section 43. Section 1013.64, Florida Statutes, is amended to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the Public Education Capital Outlay

581-00792A-24

20247002pb

and Debt Service Trust Fund to the various boards for capital outlay projects must ~~shall~~ be determined as follows:

(1) (a) Funds for remodeling, renovation, maintenance, repairs, and site improvement for existing satisfactory facilities shall be given priority consideration by the Legislature for appropriations allocated to the boards from the total amount of the Public Education Capital Outlay and Debt Service Trust Fund appropriated. These funds shall be calculated pursuant to the following basic formula: the building value times the building age over the sum of the years' digits assuming a 50-year building life. For modular noncombustible facilities, a 35-year life shall be used, and for relocatable facilities, a 20-year life shall be used. "Building value" is calculated by multiplying each building's total assignable square feet times the appropriate net-to-gross conversion rate found in state board rules and that product times the current average new construction cost. "Building age" is calculated by multiplying the prior year's building age times 1 minus the prior year's sum received from this subsection divided by the prior year's building value. To the net result shall be added the number 1. Each board shall receive the percentage generated by the preceding formula of the total amount appropriated for the purposes of this section.

(b) Each board is prohibited from using the funds received pursuant to this section to supplant funds in the current fiscal year approved operating budget, and all budgeted funds shall be expended at a rate not less than would have been expended had the funds under this section not been received.

(c) Each remodeling, renovation, maintenance, repair, or

581-00792A-24

20247002pb

site improvement project will expand or upgrade current educational plants to prolong the useful life of the plant.

(d) Each board shall maintain fund accounting in a manner which will permit a detailed audit of the funds expended in this program.

(e) Remodeling projects must ~~shall~~ be based on the recommendations of a survey pursuant to s. 1013.31, or, for district school boards, as indicated by the relative need as determined by the Florida Inventory of School Houses and the capital outlay full-time equivalent enrollment in the district.

(f) At least one-tenth of a Florida College System institution's or state university's board of trustees' board's annual allocation provided under this section must ~~shall~~ be spent to correct unsafe, unhealthy, or unsanitary conditions in its educational facilities, as required by s. 1013.12, or a lesser amount sufficient to correct all deficiencies cited in its annual comprehensive safety inspection reports. This paragraph must ~~shall~~ not be construed to limit the amount a board may expend to correct such deficiencies.

(g) When an existing educational plant is determined to be unsatisfactory pursuant to the survey conducted under s. 1013.31, the board may, by resolution, designate the plant as a historic educational facility and may use funds generated for renovation and remodeling pursuant to this section to restore the facility for use by the board. The board shall agree to pay renovation and remodeling costs in excess of funds which such facility would have generated through the depreciation formula in paragraph (a) had the facility been determined to be satisfactory. The board shall further agree that the plant shall

581-00792A-24

20247002pb

continue to house students. The board may designate a plant as a historic educational facility only if the Division of Historical Resources of the Department of State or the appropriate historic preservation board under chapter 266 certifies that:

1. The plant is listed or determined eligible for listing in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended, 16 U.S.C. s. 470;

2. The plant is designated historic within a certified local district pursuant to s. 48(g)(3)(B)(ii) of the Internal Revenue Code; or

3. The division or historic preservation board otherwise finds that the plant is historically significant.

(h) University boards of trustees may utilize funds appropriated pursuant to this section for replacement of minor facilities. Minor facilities may not be replaced from funds provided pursuant to this section unless the board determines that the cost of repair or renovation is greater than or equal to the cost of replacement.

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school

581-00792A-24

20247002pb

2031 district requesting funding from the Special Facility
 2032 Construction Account shall submit one specific construction
 2033 project, not to exceed one complete educational plant, to the
 2034 Special Facility Construction Committee. A district may not
 2035 receive funding for more than one approved project in any 3-year
 2036 period or while any portion of the district's participation
 2037 requirement is outstanding. The first year of the 3-year period
 2038 shall be the first year a district receives an appropriation.
 2039 During the 2019-2020 school year, a school district that
 2040 sustained hurricane damage in the 2018-2019 school year may
 2041 request funding from the Special Facility Construction Account
 2042 for a new project before the completion of the district's
 2043 participation requirement for an outstanding project. The
 2044 department shall encourage a construction program that reduces
 2045 the average size of schools in the district. The request must
 2046 meet the following criteria to be considered by the committee:

2047 1. The project must be deemed a critical need and must be
 2048 recommended for funding by the Special Facility Construction
 2049 Committee. Before developing construction plans for the proposed
 2050 facility, the district school board must request a
 2051 preapplication review by the Special Facility Construction
 2052 Committee or a project review subcommittee convened by the chair
 2053 of the committee to include two representatives of the
 2054 department and two staff members from school districts not
 2055 eligible to participate in the program. A school district may
 2056 request a preapplication review at any time; however, if the
 2057 district school board seeks inclusion in the department's next
 2058 annual capital outlay legislative budget request, the
 2059 preapplication review request must be made before February 1.

Page 71 of 90

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

581-00792A-24

20247002pb

2060 Within 90 days after receiving the preapplication review
 2061 request, the committee or subcommittee must meet in the school
 2062 district to review the project proposal and existing facilities.
 2063 To determine whether the proposed project is a critical need,
 2064 the committee or subcommittee shall consider, at a minimum, the
 2065 capacity of all existing facilities within the district as
 2066 determined by the Florida Inventory of School Houses; the
 2067 district's pattern of student growth; the district's existing
 2068 and projected capital outlay full-time equivalent student
 2069 enrollment as determined by the demographic, revenue, and
 2070 education estimating conferences established in s. 216.136; the
 2071 district's existing satisfactory student stations in the
 2072 vicinity of the proposed facility; the use of all existing
 2073 district property and facilities; grade level configurations;
 2074 and any other information that may affect the need for the
 2075 proposed project.

2076 2. The construction project must be recommended ~~in the most~~
 2077 ~~recent survey or survey amendment cooperatively prepared~~ by the
 2078 district school board ~~and the department~~, and approved by the
 2079 department under the rules of the State Board of Education. If a
 2080 district school board employs a consultant in the preparation of
 2081 a survey or survey amendment, the consultant may not be employed
 2082 by or receive compensation from a third party that designs or
 2083 constructs a project recommended by the survey.

2084 3. The construction project must appear on the district's
 2085 approved project priority list under the rules of the State
 2086 Board of Education.

2087 4. The district school board must have selected and had
 2088 approved a site for the construction project in compliance with

Page 72 of 90

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

581-00792A-24

20247002pb

s. 1013.36 and the rules of the State Board of Education.

5. The district school board shall have developed a district school board adopted list of facilities that do not exceed the norm for net square feet occupancy requirements under the State Requirements for Educational Facilities, using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.

~~6. Upon construction, the total cost per student station, including change orders, must not exceed the cost per student station as provided in subsection (6) unless approved by the Special Facility Construction Committee. At the discretion of the committee, costs that exceed the cost per student station for special facilities may include legal and administrative fees, the cost of site improvements or related offsite improvements, the cost of complying with public shelter and hurricane hardening requirements, cost overruns created by a disaster as defined in s. 252.34(2), costs of security enhancements approved by the school safety specialist, and unforeseeable circumstances beyond the district's control.~~

~~7.~~ There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the department.

~~7.8-~~ For construction projects for which Special Facilities Construction Account funding is sought before the 2019-2020 fiscal year, the district shall, at the time of the request and for a continuing period necessary to meet the district's participation requirement, levy the maximum millage against its

581-00792A-24

20247002pb

nonexempt assessed property value as allowed in s. 1011.71(2) or shall raise an equivalent amount of revenue from the school capital outlay surtax authorized under s. 212.055(6). Beginning with construction projects for which Special Facilities Construction Account funding is sought in the 2019-2020 fiscal year, the district shall, for a minimum of 3 years before submitting the request and for a continuing period necessary to meet its participation requirement, levy the maximum millage against the district's nonexempt assessed property value as authorized under s. 1011.71(2) or shall raise an equivalent amount of revenue from the school capital outlay surtax authorized under s. 212.055(6). Any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1 mill per year to the project until the district's participation requirement relating to the local discretionary capital improvement millage or the equivalent amount of revenue from the school capital outlay surtax is satisfied.

~~8.9-~~ If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility New Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

~~9.10-~~ The department shall certify the inability of the district to fund the ~~survey-recommended~~ project over a continuous 3-year period using projected capital outlay revenue derived from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).

~~10.11-~~ The district shall have on file with the department

581-00792A-24

20247002pb

an adopted resolution acknowledging its commitment to satisfy its participation requirement, which is equivalent to all unencumbered and future revenue acquired from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3) (a) of this section, and s. 1011.71(2), in the year of the initial appropriation and for the 2 years immediately following the initial appropriation.

~~11.12.~~ Phase I plans must be approved by the district school board as being in compliance with the building and life safety codes before June 1 of the year the application is made.

(b) The Special Facility Construction Committee shall be composed of the following: two representatives of the Department of Education, a representative from the Governor's office, a representative selected annually by the district school boards, and a representative selected annually by the superintendents. A representative of the department shall chair the committee.

(c) The committee shall review the requests submitted from the districts, evaluate the ability of the project to relieve critical needs, and rank the requests in priority order. This statewide priority list for special facilities construction shall be submitted to the Legislature in the commissioner's annual capital outlay legislative budget request at least 45 days prior to the legislative session.

(3) (a) Each district school board shall receive an amount from the Public Education Capital Outlay and Debt Service Trust Fund to be calculated by computing the capital outlay membership as determined by the department. Such membership must include, but is not limited to, prekindergarten through grade 12 students whose instruction is funded by the Florida Education Finance

581-00792A-24

20247002pb

Program and for whom the school district provides the educational facility.

(b) The capital outlay full-time equivalent membership shall be determined by counting the reported unweighted full-time equivalent student membership for the second and third surveys with each survey limited to 0.5 full-time equivalent student membership per student and comparing the results on a school-by-school basis with the Florida Inventory of School Houses.

(c) The capital outlay full-time equivalent membership by grade level organization shall be used in making calculations. The capital outlay membership by grade level organization for the 4th prior year must be used to compute the base-year allocation. The capital outlay full-time equivalent membership by grade-level organization for the prior year must be used to compute the growth over the highest of the 3 years preceding the prior year. From the total amount appropriated by the Legislature pursuant to this subsection, 40 percent shall be allocated among the base capital outlay full-time equivalent membership and 60 percent among the growth capital outlay full-time equivalent membership. The allocation within each of these groups shall be prorated to the districts based upon each district's percentage of base and growth capital outlay full-time equivalent membership. The most recent 4-year capital outlay full-time equivalent membership data shall be used in each subsequent year's calculation for the allocation of funds pursuant to this subsection. If a change, correction, or recomputation of data during any year results in a reduction or increase of the calculated amount previously allocated to a

581-00792A-24

20247002pb

district, the allocation to that district shall be adjusted accordingly. If such recomputation results in an increase or decrease of the calculated amount, such additional or reduced amounts shall be added to or reduced from the district's future appropriations. However, no change, correction, or recomputation of data shall be made subsequent to 2 years following the initial annual allocation.

(d) Funds accruing to a district school board from the provisions of this section shall be expended on needed projects as shown ~~by survey or surveys~~ under the rules of the State Board of Education.

(e) A district school board may lease relocatable educational facilities for up to 3 years using nonbonded PECO funds and for any time period using local capital outlay millage.

(f) Funds distributed to the district school boards shall be allocated solely based on the provisions of paragraphs (1)(a) and (2)(a) and paragraphs (a)-(c) of this subsection. No individual school district projects shall be funded off the top of funds allocated to district school boards.

(4)(a) Florida College System institution boards of trustees and university boards of trustees shall receive funds for projects based on a 3-year priority list, to be updated annually, which is submitted to the Legislature in the legislative budget request at least 90 days prior to the legislative session. The State Board of Education shall submit a 3-year priority list for Florida College System institutions, and the Board of Governors shall submit a 3-year priority list for universities. The lists shall reflect decisions by the State

581-00792A-24

20247002pb

Board of Education for Florida College System institutions and the Board of Governors for state universities concerning program priorities that implement the statewide plan for program growth and quality improvement in education. No remodeling or renovation project shall be included on the 3-year priority list unless the project has been recommended pursuant to s. 1013.31 or is for the purpose of correcting health and safety deficiencies. No new construction project shall be included on the first year of the 3-year priority list unless the educational specifications have been approved by the commissioner for a Florida College System institution project or by the Board of Governors for a university project, as applicable. The funds requested for a new construction project in the first year of the 3-year priority list shall be in conformance with the scope of the project as defined in the educational specifications. Any new construction project requested in the first year of the 3-year priority list which is not funded by the Legislature shall be carried forward to be listed first in developing the updated 3-year priority list for the subsequent year's capital outlay budget. Should the order of the priority of the projects change from year to year, a justification for such change shall be included with the updated priority list.

(b) Florida College System institution boards of trustees and university boards of trustees may lease relocatable educational facilities for up to 3 years using nonbonded PECO funds.

(c) Florida College System institution boards of trustees and university boards of trustees shall receive funds for

581-00792A-24 20247002pb

remodeling, renovation, maintenance and repairs, and site improvement for existing satisfactory facilities pursuant to subsection (1).

(5) District school boards shall identify each fund source and the use of each proportionate to the project cost, as identified in the bid document, to assure compliance with this section. The data shall be submitted to the department, which shall track this information as submitted by the boards. PECO funds shall not be expended as indicated in the following:

(a) District school boards shall provide landscaping by local funding sources or initiatives. District school boards are exempt from local landscape ordinances but may comply with the local requirements if such compliance is less costly than compliance with the landscape requirements of the Florida Building Code for public educational facilities.

(b) PECO funds shall not be used for the construction of football fields, bleachers, site lighting for athletic facilities, tennis courts, stadiums, racquetball courts, or any other competition-type facilities not required for physical education curriculum. Regional or intradistrict football stadiums may be constructed with these funds provided a minimum of two high schools and two middle schools are assigned to the facility ~~and the stadiums are survey recommended~~. Sophisticated auditoria shall be limited to magnet performing arts schools, with all other schools using basic lighting and sound systems as determined by rule. Local funds shall be used for enhancement of athletic and performing arts facilities.

(6) (a) Each district school board must meet all educational plant space needs of its elementary, middle, and high schools

581-00792A-24 20247002pb

before spending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any ancillary plant or any other new construction, renovation, or remodeling of ancillary space. Expenditures to meet such space needs may include expenditures for site acquisition; new construction of educational plants; renovation, remodeling, and maintenance and repair of existing educational plants, including auxiliary facilities; and the directly related costs of such services of school district personnel. It is not the intent of the Legislature to preclude the use of capital outlay funding for the labor costs necessary to accomplish the authorized uses for the capital outlay funding. Day-labor contracts or any other educational facilities contracting and construction techniques pursuant to s. 1013.45 are authorized. Additionally, if a school district has salaried maintenance staff whose duties consist solely of performing the labor necessary to accomplish the authorized uses for the capital outlay funding, such funding may be used for those salaries; however, if a school district has salaried staff whose duties consist partially of performing the labor necessary to accomplish the authorized uses for the capital outlay funding, the district shall prorate the portion of salary of each such employee that is based on labor for authorized capital outlay funding, and such funding may be used to pay that portion.

~~(b) 1. A district school board may not use funds from the following sources: Public Education Capital Outlay and Debt Service Trust Fund; School District and Community College District Capital Outlay and Debt Service Trust Fund; Classrooms~~

581-00792A-24

20247002pb

2321 ~~First Program funds provided in s. 1013.68, nonvoted 1.5-mill~~
 2322 ~~levy of ad valorem property taxes provided in s. 1011.71(2),~~
 2323 ~~Classrooms for Kids Program funds provided in s. 1013.735,~~
 2324 ~~District Effort Recognition Program funds provided in s.~~
 2325 ~~1013.736, or High Growth District Capital Outlay Assistance~~
 2326 ~~Grant Program funds provided in s. 1013.738 to pay for any~~
 2327 ~~portion of the cost of any new construction of educational plant~~
 2328 ~~space with a total cost per student station, including change~~
 2329 ~~orders, which exceeds:~~
 2330 ~~a. \$17,952 for an elementary school;~~
 2331 ~~b. \$19,386 for a middle school; or~~
 2332 ~~c. \$25,181 for a high school,~~
 2333
 2334 ~~(January 2006) as adjusted annually to reflect increases or~~
 2335 ~~decreases in the Consumer Price Index. The department, in~~
 2336 ~~conjunction with the Office of Economic and Demographic~~
 2337 ~~Research, shall estimate review and adjust the cost per student~~
 2338 ~~station limits to reflect actual construction costs by January~~
 2339 ~~1, 2020, and annually thereafter. The adjusted cost per student~~
 2340 ~~station shall be used by the department for computation of the~~
 2341 ~~statewide average costs per student station for each~~
 2342 ~~instructional level pursuant to paragraph (d). The department~~
 2343 ~~may shall also collaborate with the Office of Economic and~~
 2344 ~~Demographic Research to select an industry-recognized~~
 2345 ~~construction index to reflect annual changes in the cost per~~
 2346 ~~student station replace the Consumer Price Index by January 1,~~
 2347 ~~2020, adjusted annually to reflect changes in the construction~~
 2348 ~~index.~~
 2349 ~~2. District school boards School districts shall maintain~~

Page 81 of 90

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

581-00792A-24

20247002pb

2350 accurate documentation related to the costs of all new
 2351 construction of educational plant space reported to the
 2352 Department of Education pursuant to paragraph (c) (d). The
 2353 Auditor General shall review the documentation maintained by the
 2354 school districts and verify compliance with the limits under
 2355 this paragraph during its scheduled operational audits of the
 2356 school district.
 2357 ~~3. Except for educational facilities and sites subject to a~~
 2358 ~~lease-purchase agreement entered pursuant to s. 1011.71(2)(c) or~~
 2359 ~~funded solely through local impact fees, in addition to the~~
 2360 ~~funding sources listed in subparagraph 1., a district school~~
 2361 ~~board may not use funds from any sources for new construction of~~
 2362 ~~educational plant space with a total cost per student station,~~
 2363 ~~including change orders, which equals more than the current~~
 2364 ~~adjusted amounts provided in sub-subparagraphs 1.a.-c. However,~~
 2365 ~~if a contract has been executed for architectural and design~~
 2366 ~~services or for construction management services before July 1,~~
 2367 ~~2017, a district school board may use funds from any source for~~
 2368 ~~the new construction of educational plant space and such funds~~
 2369 ~~are exempt from the total cost per student station requirements.~~
 2370 ~~4. A district school board must not use funds from the~~
 2371 ~~Public Education Capital Outlay and Debt Service Trust Fund or~~
 2372 ~~the School District and Community College District Capital~~
 2373 ~~Outlay and Debt Service Trust Fund for any new construction of~~
 2374 ~~an ancillary plant that exceeds 70 percent of the average cost~~
 2375 ~~per square foot of new construction for all schools.~~
 2376 ~~(c) Except as otherwise provided, new construction for~~
 2377 ~~which a contract has been executed for architectural and design~~
 2378 ~~services or for construction management services by a district~~

Page 82 of 90

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

581-00792A-24

20247002pb

2379 school board on or after July 1, 2017, may not exceed the cost
2380 per student station as provided in paragraph (b).

2381 ~~(d)~~ The department shall:

2382 1. Compute for each calendar year the statewide average
2383 construction costs for facilities serving each instructional
2384 level, for relocatable educational facilities, for
2385 administrative facilities, and for other ancillary and auxiliary
2386 facilities. The department shall compute the statewide average
2387 costs per student station for each instructional level.

2388 2. Annually review the actual completed construction costs
2389 of educational facilities in each school district. ~~For any~~
2390 ~~school district in which the total actual cost per student~~
2391 ~~station, including change orders, exceeds the statewide limits~~
2392 ~~established in paragraph (b), the school district shall report~~
2393 ~~to the department the actual cost per student station and the~~
2394 ~~reason for the school district's inability to adhere to the~~
2395 ~~limits established in paragraph (b). The department shall~~
2396 ~~collect all such reports and shall provide these reports to the~~
2397 ~~Auditor General for verification purposes.~~

2398
2399 ~~Cost per student station includes contract costs, fees of~~
2400 ~~architects and engineers, and the cost of furniture and~~
2401 ~~equipment. Cost per student station does not include the cost of~~
2402 ~~purchasing or leasing the site for the construction, legal and~~
2403 ~~administrative costs, or the cost of related site or offsite~~
2404 ~~improvements. Cost per student station also does not include the~~
2405 ~~cost for securing entries, checkpoint construction, lighting~~
2406 ~~specifically designed for entry point security, security~~
2407 ~~cameras, automatic locks and locking devices, electronic~~

581-00792A-24

20247002pb

2408 security systems, fencing designed to prevent intruder entry
2409 into a building, bullet-proof glass, or other capital
2410 construction items approved by the school safety specialist to
2411 ensure building security for new educational, auxiliary, or
2412 ancillary facilities.

2413 ~~(e) Notwithstanding the requirements of this subsection, an~~
2414 ~~unfinished construction project for new construction of~~
2415 ~~educational plant space that was started on or before July 1,~~
2416 ~~2026, is exempt from the total cost per student station~~
2417 ~~requirements established in paragraph (b).~~

2418 Section 44. Subsections (5) and (6) of section 1013.68,
2419 Florida Statutes, are amended to read:

2420 1013.68 Classrooms First Program; uses.—

2421 (5) A school district may only receive a distribution for
2422 use pursuant to paragraph (2)(a) if the district school board
2423 certifies to the Commissioner of Education that the district has
2424 no immediate unmet need for permanent classroom facilities in
2425 its facilities 5-year capital outlay work plan. If the work plan
2426 contains such unmet needs, the district must use its
2427 distribution for the payment of bonds pursuant to paragraph
2428 (2)(b). If the district does not require its full bonded
2429 distribution to eliminate such unmet need, it may bond only that
2430 portion of its allocation necessary to meet the needs.

2431 (6) School districts may enter into interlocal agreements
2432 to lend their Classrooms First Program funds as provided in
2433 paragraph (2)(c). A school district or multiple school districts
2434 that receive cash proceeds may, after considering their own new
2435 construction needs outlined in their 5-year district facilities
2436 work program, lend their Classrooms First Program funds to

581-00792A-24

20247002pb

another school district that has need for new facilities. The interlocal agreement must be approved by the Commissioner of Education and must outline the amount of the funds to be lent, the term of the loan, the repayment schedule, and any interest amount to be repaid in addition to the principal amount of the loan.

Section 45. Paragraph (e) of subsection (6) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(6)

(e) A school district that includes relocatable facilities in its inventory of student stations shall include the capacity of such relocatable facilities ~~as provided in s. 1013.35(2)(b)2.f.~~, provided the relocatable facilities were purchased after 1998 and the relocatable facilities meet the standards for long-term use pursuant to s. 1013.20.

Section 46. Subsection (5) of section 1002.31, Florida Statutes, is amended to read:

1002.31 Controlled open enrollment; public school parental choice.—

(5) For a school or program that is a public school of choice under this section, the calculation for compliance with maximum class size pursuant to s. 1003.03(1) ~~s. 1003.03(4)~~ is the average number of students at the school level.

Section 47. Paragraph (i) of subsection (2) of section 1003.621, Florida Statutes, is amended to read:

1003.621 Academically high-performing school districts.—It is the intent of the Legislature to recognize and reward school districts that demonstrate the ability to consistently maintain

581-00792A-24

20247002pb

or improve their high-performing status. The purpose of this section is to provide high-performing school districts with flexibility in meeting the specific requirements in statute and rules of the State Board of Education.

(2) COMPLIANCE WITH STATUTES AND RULES.—Each academically high-performing school district shall comply with all of the provisions in chapters 1000-1013, and rules of the State Board of Education which implement these provisions, pertaining to the following:

(i) Those statutes pertaining to educational facilities, including chapter 1013, except that s. 1013.20, relating to covered walkways for portables, ~~and s. 1013.21, relating to the use of relocatable facilities that exceed 20 years of age,~~ are eligible for exemption.

Section 48. Paragraph (e) of subsection (2) of section 1003.631, Florida Statutes, is amended to read:

1003.631 Schools of Excellence.—The Schools of Excellence Program is established to provide administrative flexibility to the state's top schools so that the instructional personnel and administrative staff at such schools can continue to serve their communities and increase student learning to the best of their professional ability.

(2) ADMINISTRATIVE FLEXIBILITIES.—A School of Excellence must be provided the following administrative flexibilities:

(e) Calculation for compliance with maximum class size pursuant to s. 1003.03(1) ~~s. 1003.03(4)~~ based on the average number of students at the school level.

Section 49. Paragraph (b) of subsection (3) of section 1011.6202, Florida Statutes, is amended to read:

581-00792A-24

20247002pb

2495 1011.6202 Principal Autonomy Program Initiative.—The
 2496 Principal Autonomy Program Initiative is created within the
 2497 Department of Education. The purpose of the program is to
 2498 provide a highly effective principal of a participating school
 2499 with increased autonomy and authority to operate his or her
 2500 school, as well as other schools, in a way that produces
 2501 significant improvements in student achievement and school
 2502 management while complying with constitutional requirements. The
 2503 State Board of Education may, upon approval of a principal
 2504 autonomy proposal, enter into a performance contract with the
 2505 district school board for participation in the program.

2506 (3) EXEMPTION FROM LAWS.—

2507 (b) A participating school or a school operated by a
 2508 principal pursuant to subsection (5) shall comply with the
 2509 provisions of chapters 1000-1013, and rules of the state board
 2510 that implement those provisions, pertaining to the following:

2511 1. Those laws relating to the election and compensation of
 2512 district school board members, the election or appointment and
 2513 compensation of district school superintendents, public meetings
 2514 and public records requirements, financial disclosure, and
 2515 conflicts of interest.

2516 2. Those laws relating to the student assessment program
 2517 and school grading system, including chapter 1008.

2518 3. Those laws relating to the provision of services to
 2519 students with disabilities.

2520 4. Those laws relating to civil rights, including s.
 2521 1000.05, relating to discrimination.

2522 5. Those laws relating to student health, safety, and
 2523 welfare.

581-00792A-24

20247002pb

2524 6. Section 1001.42(4)(f), relating to the uniform opening
 2525 date for public schools.

2526 7. Section 1003.03, governing maximum class size, except
 2527 that the calculation for compliance pursuant to s. 1003.03 is
 2528 the average at the school level for a participating school.

2529 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
 2530 compensation and salary schedules.

2531 9. Section 1012.33(5), relating to workforce reductions for
 2532 annual contracts for instructional personnel. This subparagraph
 2533 does not apply to at-will employees.

2534 10. Section 1012.335, relating to annual contracts for
 2535 instructional personnel hired on or after July 1, 2011. This
 2536 subparagraph does not apply to at-will employees.

2537 11. Section 1012.34, relating to personnel evaluation
 2538 procedures and criteria.

2539 12. Those laws pertaining to educational facilities,
 2540 including chapter 1013, except that s. 1013.20, relating to
 2541 covered walkways for relocatables, ~~and s. 1013.21, relating to~~
 2542 ~~the use of relocatable facilities exceeding 20 years of age,~~ are
 2543 eligible for exemption.

2544 13. Those laws pertaining to participating school
 2545 districts, including this section and ss. 1011.69(2) and
 2546 1012.28(8).

2547 Section 50. Subsection (2) of section 1011.73, Florida
 2548 Statutes, is amended to read:

2549 1011.73 District millage elections.—

2550 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.—The district
 2551 school board, pursuant to resolution adopted at a regular
 2552 meeting, shall direct the county commissioners to call an

581-00792A-24

20247002pb

election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 1011.71(8) ~~s. 1011.71(9)~~. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

Section 51. Paragraph (b) of subsection (2) of section 1012.555, Florida Statutes, is amended to read:

1012.555 Teacher Apprenticeship Program.—

(2)

(b) As a condition of participating in the program, an apprentice teacher must commit to spending the first 2 years in the classroom of a mentor teacher using team teaching strategies identified in s. 1003.03(4)(b) ~~s. 1003.03(5)(b)~~ and fulfilling the on-the-job training component of the registered apprenticeship and its associated standards.

Section 52. Paragraph (a) of subsection (3) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.—

(3) If the school board levies the discretionary millage authorized in s. 1011.71(2), the department shall use the following calculation methodology to determine the amount of revenue that a school district must distribute to each eligible charter school:

(a) Reduce the total discretionary millage revenue by the

581-00792A-24

20247002pb

school district's annual debt service obligation incurred as of March 1, 2017, which has not been subsequently retired, and any amount of participation requirement pursuant to s. 1013.64(2)(a)7. ~~s. 1013.64(2)(a)8.~~ that is being satisfied by revenues raised by the discretionary millage.

By October 1 of each year, each school district shall certify to the department the amount of debt service and participation requirement that complies with the requirement of paragraph (a) and can be reduced from the total discretionary millage revenue. The Auditor General shall verify compliance with the requirements of paragraph (a) and s. 1011.71(2)(e) during scheduled operational audits of school districts.

Section 53. This act shall take effect July 1, 2024.

11/15/2023

Meeting Date

Education

Committee

Name Superintendent Mark McQueen

Phone

Address Bay County School District

Email

Street

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

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

7002

Bill Number or Topic

Amendment Barcode (if applicable)

The Florida Senate
APPEARANCE RECORD

11/15
Meeting Date

7002
Bill Number or Topic

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

Senate ED
Committee

Amendment Barcode (if applicable)

Name

Greg Black

Phone

587-8022

Address

1727 Highland PL

Email

greg@blackconsultingllc.com

Street

TLH

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:

Martin County Schools

☐

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

11/15/23

Meeting Date

SPB 7002

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name Mark Motl

Phone 386-916-9275

Address 115 Vintage Ln
Street

Email markmotl@gmail.com

Palatka FL 32177
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. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

11/15/23

Meeting Date

EDUCATION

Committee

SPB 7002

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

TOM CERRE

Phone

305 513 9995

Address

9737 NW 41ST #359

Email

tomcerre@gmail.com

Street

MIAMI

FL

33178

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:

MIAMI DADE SCHOOL BOARD

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

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

11/15/23

Meeting Date

7002

Bill Number (if applicable)

Topic Public School Deregulation

Amendment Barcode (if applicable)

Name Jessica Janasiewicz (Jan-uh-see-wit-z)

Job Title Governmental Consultant

Address 119 South Monroe Street

Phone 850-681-6788

Street

Tallahassee

City

FL

State

32301

Zip

Email jessica@rutledge-ecenia.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Escambia, Santa Rosa, Marion and Osceola County School districts

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

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

11/15/23

Meeting Date

EDUCATION

Committee

7002

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Danielle Thomas

Phone

850-414-2578

Address

203 S. Monroe St

Email

Street

Tallahassee

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:

FSBA

☐

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

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

11/15
Meeting Date

7002
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Michael Greenan

Phone (352) 478-9621

Address 1235 S.W. Pointview Rd

Email mikegreenan@hotmail.com

Daystone Heights FL 32656
Street 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)

11/15/2023

Meeting Date

Education PreK-12

Committee

The Florida Senate

APPEARANCE RECORD

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

SPB 7002

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Brian T. Moore

Phone

850-577-5784

Address

208 S. Monroe St.

Email

bmoore@fadss.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:

Fla Assoc of District School
Supers



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

Nov 15 2023

Meeting Date

Prek-12 Education

Committee

7002

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Marie-Claire Leman

Phone 850-728-7514

Address 1911 Wahala Way Ct

Street

Email marieclaireleman@gmail.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:



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

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

11/15/23
Meeting Date
Pre K 12
Committee

7002
Bill Number or Topic
Amendment Barcode (if applicable)

Name Sue Woltanski Phone 305 240 1565
Address 146 Westminster Email kingwolt@yahoo.com
Invernia FL 33070
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

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

15 NOV 2023

Meeting Date

Re K ed Subcommittee

Committee

7002/Dereg Public
Bill Number or Topic

Scholar

Amendment Barcode (if applicable)

Name Michelle Dillon

Phone 904.226.0359

Address 94 LINCOLN STREET.
Street

Email dillon.michelle14@
yahoo.com

St. Augustine FL 32084
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)

11/15/2023

The Florida Senate
APPEARANCE RECORD

SPB7002

Meeting Date

Education PreK-12

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name MICHELE WHITE

Phone 850/224-3626

Address ZOLB S. MONROE ST.
Street

Email MWHITE@FASA.NET

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. [2020-2022JointRules.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: SPB 7004

INTRODUCER: Education Pre-K -12 Committee

SUBJECT: Deregulation of Public Schools/Assessment and Accountability, Instruction, and Education Choice

DATE: November 16, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Palazesi/Sabitsch	Bouck		ED Submitted as Comm. Bill/Fav

I. Summary:

SPB 7004 builds on the deregulation of public schools provisions in House Bill 1 (Ch. 2023-16, Laws of Fla.) and provides to school districts additional authority related to prekindergarten programs, retention and graduation, assessments, school improvement, instructional materials, and reporting. Specifically, the bill modifies the following:

- Relating to the Voluntary Prekindergarten (VPK) program, the bill:
 - Removes the requirement that each public school district offer the summer VPK program, modifies summer VPK funding and program attendance systems, and provides access to school district summer reading camps.
 - Removes early learning coalition monitoring of public school VPK programs.
- Relating to assessments, the bill:
 - Creates an additional good cause exemption from third-grade retention to specify that a parent may determine promotion to grade 4 is in the best interest of the student.
 - Eliminates the requirement for students to pass the Algebra 1 end of course and grade 10 English Language Arts assessment to earn a standard high school diploma.
 - Eliminates requirements relating to the uniform assessment calendar, and that school districts submit the district-wide assessment calendar to the Department of Education.
 - Authorizes district school superintendents to determine the timeframe for applications for extraordinary exemptions from assessments for students with disabilities.
 - Removes the requirement for administration of the common assessment for students in Department of Juvenile Justice (DJJ) prevention, residential, or day treatment programs.
- Relating to public school accountability and improvement, the bill:
 - Specifies that changes made by the State Board of Education (SBE) to the school grades model or scale may not go into effect until the following school year.
 - Extends from 2 to 4 years the time for a school district to implement a district managed turnaround plan. The bill provides a school exits district-managed turnaround with two consecutive grades of “C,” or a grade of “A” or “B.”
 - Expands school turnaround options to include conversion to a community partnership school.

- Prohibits the use of the value added model (VAM) as the sole determinate in recruiting instructional personnel.
- Removes the requirement that district school boards take action on a provider contract for DJJ educational programs that continue to underperform within six months after a monitoring plan.
- Relating to instructional materials, the bill:
 - Requires the Commissioner of Education, beginning in the 2026 adoption cycle, to publish the list of adopted instructional materials not later than July 31 of the year preceding the beginning of the adoption period.
 - Provides districts school boards additional authority in the provision of adequate instructional materials and major tools of instruction for students in core subject areas.
 - Modifies dates for superintendent reporting regarding requisitioned instructional materials and alignment of materials to state standards.
 - Provides to principals the authority to determine collection of funds for lost or damaged instructional materials.
- Regarding district programs, the bill:
 - Removes the requirement that the required minutes of recess per day be unstructured and consecutive.
 - Changes district school board capacity determinations for controlled open enrollment and from every 12 weeks to twice annually.
 - Authorizes school district virtual instruction programs to provide equipment to all students, regardless of income status.
 - Repeals the Competency-Based Pilot Program and the single-gender programs requirements.

The bill also repeals reporting relating to fine arts, charter technical career centers, middle grades career courses, academically high performing school districts, Committee of Practitioners under the No Child Left Behind Act, and implementation of school improvement and accountability.

The bill is effective July 1, 2024.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

Voluntary Prekindergarten Programs in Public Schools

Present Situation

Since the inception of the Voluntary Prekindergarten (VPK) program, public schools have been instrumental in delivering the program. Public schools deliver both the 540 hour school year

VPK program¹ and the 300 hour summer VPK program.² In general, public schools comprise just over 20 percent of the overall VPK programs during the entire program year.³

Public schools are required to contract through the early learning coalitions and are subject to the same requirements as non-public programs in terms of implementing instructional standards, personnel requirements, and program accountability. While both public schools and private providers offer the school year prekindergarten program, public school districts are required to offer the summer VPK program, consisting of 300 hours of instruction, to any parent who enrolls his or her child in the program.⁴ Participation in the summer VPK program has steadily declined from 2016-2017 to 2022-2023. For example, in the 2016-2017 summer VPK program there were 5,272 children enrolled, and in the 2022-2023 summer program there were 2,620 children enrolled.⁵ According to 2022-2023 summer VPK program data, there were 1,330 children enrolled in summer VPK public school programs across 42 school districts.⁶ These enrollments are in contrast to the 153,638 school year VPK enrollment for 2022-2023.⁷

Public school district funding for the summer VPK program requires that the number of children funded is divisible by 12.⁸ For example, if a district serves only 2 children for the summer VPK program, the district is funded for 12 children. Based on data for the 2022-2023 program, 36 districts received additional funding for 196 full-time equivalent enrollments over the actual program enrollment, for a total of \$469,028.⁹

In general, VPK programs in public schools are subject to the same oversight as private VPK programs, including requirements for use of the state contract, instructor to child ratios, instructor training, attendance and reporting, accountability, and methods regarding reimbursement for the VPK program. Early learning coalitions are required to monitor the compliance of public school VPK programs in their county or multi-county service region for both school year¹⁰ and summer¹¹ VPK programs.

Effect of Proposed Changes

The bill removes several requirements related to VPK programs operated by public schools.

The bill modifies s. 1002.53, F.S., to remove the requirement for public school districts to offer the summer VPK program. Accordingly, because the summer VPK program would be optional

¹ Section 1002.63(1), F.S.

² Section 1002.61(1), F.S.

³ Florida Department of Education, *Division of Early Learning Annual Report 2021-2022*, available at: <https://www.fldoe.org/core/fileparse.php/20628/urlt/2122-DEL-AnnualReport.pdf>.

⁴ Section 1002.53(6)(b), F.S.

⁵ Office of Economic & Demographic Research, *Early Learning Programs Estimating Conference Prekindergarten Education Program, Conference Package* (Aug. 10, 2023), available at <http://edr.state.fl.us/Content/conferences/vpk/VPKResults.pdf>.

⁶ Email, Florida Department of Education, Legislative Affairs (Oct. 27, 2023).

⁷ *Id.*

⁸ Section 1002.71(3)(d), F.S.

⁹ Email, Florida Department of Education, Legislative Affairs (Oct. 27, 2023). The amount is based on the 2022-23 summer VPK base student allocation of \$2,393.

¹⁰ Section 1002.63(9)(a), F.S.

¹¹ Section 1002.61(10)(a), F.S.

for school districts, the bill modifies s. 1002.71, F.S., to remove the additional payment to school districts for operating a summer VPK program that funds enrollment divisible by 12. The bill modifies s. 1002.61, F.S., to specify that students who did not participate in the school year VPK program and do not have access to a summer VPK program in the county in which they reside are eligible to attend a school district summer reading camp.

The bill modifies ss. 1002.61 and 1002.63, F.S., to remove the requirement, for both school year and summer VPK programs, that early learning coalitions verify statutory compliance by school district-operated VPK programs. This aligns oversight of the school district VPK program with other district-operated educational programs.

Finally, the bill removes the requirement in s. 1002.71, F.S., for district school board policy to require parents to sign monthly attendance forms and retain those forms for two years. The school district will be required to certify attendance on the single point of entry system that is used for payment of VPK program attendance. The revision offers flexibility to school districts to utilize existing attendance tracking methods without duplication due to required forms.

Third Grade Retention and Supports

Present Situation

More than half of all states have a third grade retention policy that either allows school districts or requires them to retain students based on a student's mastery of literacy.¹² Florida has long been a national leader in investments and policy ideas targeted at improving early grades literacy. Specifically, over the past five years, the legislature has passed several policies that provide targeted supports for early grades literacy, such as:

- Implementing a coordinated screening and progress monitoring system in grades VPK-3 to allow educators to make real-time adjustments to instruction throughout the school year.¹³
- Enhancing the requirements for educators earning the reading endorsement.¹⁴
- Providing books to eligible student in grades K-5 through the New Worlds Reading Initiative.¹⁵
- Inclusion of a grade 3 English Language Arts (ELA) component in the school grades model.¹⁶

Interventions and Required Supports for Struggling Readers

Students in kindergarten through grade 3 who exhibit a substantial reading deficiency, based on locally collected data, statewide assessments, or through teacher observations, must be given intensive reading instruction immediately following the identification of the deficiency.¹⁷ A school may not wait for a student to receive a failing grade at the end of a grading period to

¹² Sarah Schwartz, *3rd Grade Reading Retention: Why the Research is Complicated*, (Aug. 29, 2023), <https://www.edweek.org/teaching-learning/3rd-grade-reading-retention-why-the-research-is-complicated/2023/08> (last visited Nov. 8, 2023).

¹³ Ch. 2021-10, Laws of Fla.

¹⁴ Ch. 2021-09, Laws of Fla.

¹⁵ Ch. 2021-193, Law of Fla.

¹⁶ Ch. 2023-39, Laws of Fla.

¹⁷ Section 1008.25(5)(a), F.S.

identify the student as having a substantial reading deficiency and initiate intensive reading interventions.¹⁸ A student's reading proficiency must be monitored and the intensive interventions must continue until the student demonstrates grade level proficiency in a manner determined by the school district, which may include achieving a Level 3 on the statewide, standardized ELA assessment.¹⁹

Students who do not achieve a Level 3 or above on the statewide, standardized ELA assessment must be evaluated to determine the nature of the student's difficulty, the areas of academic need, and strategies for providing academic supports to improve the student's performance.²⁰ District school boards are required to prioritize remedial and supplemental instruction resources first to students in kindergarten through grade 3 who have a substantial reading deficiency and then to students who fail to meet performance levels required for promotion under the school district's student progression plan.²¹

A student who is not meeting school district or state requirements for satisfactory performance in ELA must be covered by one of the following plans:²²

- A federally required student plan such as an individual education plan (IEP);
- A school wide system of progress monitoring for all students, except that a student who scores Level 4 or above on the ELA assessment may be exempted from participation by the principal; or
- An individualized progress monitoring plan.

School districts have a variety of intervention and progress monitoring options available to help students improve their academic performance. Retention is mandatory for grade 3 students who score at Level 1 on the statewide, standardized ELA assessment.²³ Any student retained in grade 3 because of his or her statewide, standardized ELA assessment score must receive intensive interventions and be taught by a "highly-effective" teacher with a reading endorsement or certification in reading.²⁴ Interventions must include:²⁵

- Evidence-based, explicit, systematic, and multisensory reading instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district.
- Participation in the school district's summer reading camp.
- A minimum of 90 minutes of daily, uninterrupted reading instruction. This instruction may include coordinated integration of content-rich texts in science and civic literacy; small group instruction; reduced teacher-student ratios; more frequent progress monitoring, tutoring or mentoring; transition classes containing and grades 3 and 4 students; and extended school day, week, or year.

¹⁸ Section 1008.25(5)(a), F.S. *See also* s. 1003.57, F.S. For purposes of this section, a licensed professional means an individual licensed pursuant to ch. 490, F.S.

¹⁹ Section 1008.25(5)(a), F.S.

²⁰ Section 1008.25(4)(a), F.S.

²¹ Section 1008.25(3), F.S.

²² Section 1008.25(4)(b), F.S.

²³ Section 1008.25(5)(c), F.S. A student may be promoted if he or she meets a "good cause" exception as provided in s. 1008.25(6)(b), F.S.

²⁴ *See* ss. 1008.25(7)(b)3. and 1012.34(2)(e), F.S.

²⁵ Section 1008.25(7)(a), F.S.

Additionally, each school district must establish at each school, when applicable, an intensive reading acceleration course for any student retained in grade 3 who was previously retained in kindergarten, grade 1, or grade 2. The intensive reading acceleration course must provide the following:²⁶

- Uninterrupted reading instruction for the majority of student contact time each day and opportunities to master the grade 4 state academic standards in other core subject areas through content-rich texts.
- Small group instruction.
- Reduced teacher-student ratios.
- The use of explicit, systematic, and multisensory reading interventions, including intensive language, phonics, and vocabulary instruction, and use of a speech-language therapist if necessary, that have proven results in accelerating student reading achievement within the same school year.
- A read-at-home plan.

Third Grade Retention and Good Cause Exemptions

Since 2002, Florida has mandated that third grade students who score at an achievement level 1 on a statewide, standardized assessment be retained unless a student meets a good cause exemption.²⁷ Students can meet a good cause exemption if one of the following criteria is met:²⁸

- Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program.
- Students with disabilities whose IEP indicates that participation in the statewide assessment program is not appropriate.
- Students who demonstrate an acceptable level of performance on an alternative standardized reading or ELA assessment approved by the State Board of Education.
- A student who demonstrates through a student portfolio that he or she is performing at least at Level 2 on the statewide, standardized ELA assessment.
- Students with disabilities who take the statewide, standardized ELA assessment and who have an IEP or a Section 504 plan that reflects that the student has received intensive instruction in reading or ELA for more than 2 years but still demonstrates a deficiency and was previously retained in prekindergarten, kindergarten, grade 1, grade 2, or grade 3.
- Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. A student may not be retained more than once in grade 3.

In the 2021-22 school year, 52,451 third grade students scored at an achievement level 1 on the statewide standardized grade 3 ELA assessment.²⁹ Of the 52,451 students who scored at an achievement level 1, 31,884 students were promoted to grade 4 by meeting one of the good cause

²⁶ Section 1008.25(7)(b)4., F.S.

²⁷ Ch. 2002-387, Laws of Fla.

²⁸ Section 1008.25(7)(b)1.-6., F.S.

²⁹ Florida Department of Education, *Know Your Schools Advanced Reporting, Assessment Map*, https://knowyourdatafl.org/views/PK12-Assessments/ASSESSMENTMAP?showAppBanner=false&:display_count=n&:showVizHome=n&:origin=viz_share_link&:isGuestRedirectFromVizportal=y&:embed=y (last visited Nov. 5, 2023).

exemptions.³⁰ In total, approximately 43,000 students in grades k-5 were retained, 21,000 of those retained students were in the third grade.³¹

Effect of Proposed Changes

The bill modifies s. 1008.25, F.S., to expand parental rights in accordance with ch. 1014, which specifies that it is a fundamental right of parents to direct the education of their child. The bill requires that a parent must approve a good cause exemption for his or her child to be promoted to the fourth grade. Additionally, the bill adds a good cause exemption by allowing that if a parent determines his or her child must be promoted, the parent and the school must develop a student intervention plan that is approved by the parent. Finally, the bill provides that the intervention plan may include but is not limited to the following interventions and supports:³²

- Read-at-home plan.
- Evidence-based, explicit, systematic, and multisensory reading instruction grounded in the science of reading, in phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district.
- Participation in the school district's summer reading camp, which must incorporate instructional and intervention strategies, that place rigor and grade-level learning at the forefront.
- A minimum of 90 minutes of daily, uninterrupted reading instruction incorporating instructional and intervention strategies. This instruction may include:
 - Coordinated integration of content-rich texts in science and civic literacy within the 90-minute block.
 - Targeted small group instruction.
 - Explicit and systematic instruction with more detailed explanations, more extensive opportunities for guided practice, and more opportunities for error correction and feedback.
 - Reduced teacher-student ratios.
 - More frequent progress monitoring of the reading skills of each student throughout the school year and the adjustment of instruction according to student need.
 - Tutoring or mentoring.
 - Transition classes containing 3rd and 4th grade students.
 - Extended school day, week, or year.
 - Before school or after school, or both, supplemental evidence-based reading interventions grounded in the science of reading delivered by a teacher who is certified or endorsed in reading and is rated highly effective as determined by the teacher's performance evaluation.

³⁰ Florida Department of Education, *Retentions and Non-Promotions, 3rd Grade Promotions: Good Cause Exemptions, 2021-22*, <https://origin.fldoe.org/core/fileparse.php/7584/urlt/3rdPromotionExemption2122.xlsx>, (last visited Nov. 5, 2023).

³¹ Florida Department of Education, *Retentions and Non-Promotions, Non-promotions in Florida Public Schools, 2021-22*, <https://origin.fldoe.org/core/fileparse.php/7584/urlt/2122NonPromotions.xlsx>, (last visited Nov. 5, 2023).

³² Section 1008.25(5)(e) and (8), F.S.

High School Graduation Requirements

Present Situation

Nearly all states have established minimum credit and course requirements to earn a standard diploma, but graduation requirements may also serve to assess specific skills and content knowledge prioritized by the state, evaluate college and career readiness, or offer multiple pathways to a diploma.³³ At least 34 states and the District of Columbia, require students to complete specific assessments to meet a graduation requirement.³⁴ Eleven states require that students must pass an English Language Arts (ELA) and/or a mathematics assessment to earn a standard high school diploma.³⁵

Florida's High School Graduation Requirements

To earn a standard high school diploma a student must complete 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.³⁶

The 24 option for a standard diploma includes:³⁷

- Four credits in ELA I, II, III, and IV.
- Four credits in mathematics, including one in Algebra I and one in Geometry.
- Three credits in science, two of which must have a laboratory component and one of which must include Biology I.
- Three credits in social studies including one credit in United States History, one credit in World History, one-half credit in economics, and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or career and technical education.
- One credit in physical education which includes the integration of health.
- Seven and one-half credits in electives.
- One-half credit in personal financial literacy.

All students must pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score, and must pass the statewide, standardized Algebra I end-of-course (EOC) assessment, or earn a comparative score, in order to earn a standard high school diploma.³⁸ Students may satisfy the assessment requirement using a specified score on the SAT, ACT, Classic Learning Test, PSAT/NMSQT. The use of concordant and comparative scores has significantly increased over the past 5 years, from 27.5 percent of graduates in 2018 satisfying assessment requirements using a comparative score to 41.8 percent in 2022.³⁹

³³ Education Commission of the States, *50- State Comparison: High School Graduation Requirements*, <https://www.ecs.org/50-state-comparison-high-school-graduation-requirements-2023/>, (last visited November 2, 2023).

³⁴ *Id.*

³⁵ *Id.* Of those 11 states, two allow the use of a portfolio of work in lieu of passing an assessment and two states require students to pass the assessments if they do not choose a graduation pathway.

³⁶ Section 1003.4282(1)(a), F.S.

³⁷ Section 1003.4282(3)(a)-(g), F.S.

³⁸ Section 1003.4282(3), F.S. A student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) course who takes the respective AP, IB, or AICE assessment and earns a specified score is not required to take the corresponding EOC assessment. Section 1008.22(3)(b)6., F.S.

³⁹ Florida Department of Education, *Know Your Data Advanced Reports: High School Graduate Pathways*, <https://knowyourdatafl.org/views/PK12-PathwaystoGraduation/GRADUATEPATHWAYS->

High School Graduation Requirements for Transfer Students and English Language Learners

Students who transfer to a Florida public high school from out of country, out of state, a private school, or a home education program and the student's transcript shows a credit in Algebra I, the student must pass the statewide, standardized Algebra I EOC assessment in order to earn a standard high school diploma unless the student earned a comparative score, passed a statewide assessment in Algebra I administered by the transferring entity, or passed the statewide mathematics assessment the transferring entity uses to satisfy the requirements of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA), 20 U.S.C. ss. 6301 et seq.⁴⁰

If a student's transcript shows a credit in high school reading or English Language Arts II or III, in order to earn a standard high school diploma, the student must take and pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score.⁴¹

For students who enter a Florida public school in grade 11 or 12 from out of state or out of country, in order to receive a standard high school diploma students must pass the grade 10 ELA assessment, or earn a concordant score and must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score.⁴² Students who have been enrolled in an English for Speakers of Other Languages program for less than 2 school years and have met all requirements for the standard high school diploma except for passage the grade 10 ELA assessment may meet the requirement by satisfactorily demonstrating grade-level expectations on formative assessments.⁴³

High School Equivalency Diploma Program

The High School Equivalency Diploma offers students who are no longer enrolled in high school an opportunity to earn a high school diploma by successfully passing the standard GED tests. A candidate for a high school equivalency diploma must be at least 18 years of age on the date of the examination, except that in extraordinary circumstances, as provided for in rules of the district school board of the district in which the candidate resides or attends school, a candidate may take the examination after reaching the age of 16.⁴⁴ School districts may not require a student who has reached the age of 16 to take any course before taking the examination unless the student fails to achieve a passing score on the GED practice test.⁴⁵ In the 2021-2022 graduation cohort, 392 students earned a GED-based diploma.⁴⁶

[MAP?:showAppBanner=false&:display_count=n&:showVizHome=n&:origin=viz_share_link&:isGuestRedirectFromVizportal=y&:embed=y](https://www.fldoe.org/core/fileparse.php/7584/urlt/GradRates2122.pdf), (last visited, Nov. 3, 2023). Florida Department of Education Emergency Orders No. 2020-EO-1 and No. 2021-EO-2 exempted students in the 2019-20 and 2020-21 graduation cohorts from the statewide standardized assessment requirements.

⁴⁰ Section 1003.4282(6), F.S.

⁴¹ *Id.*

⁴² Section 1003.433(1), F.S.

⁴³ Section 1003.433(3)(b), F.S.

⁴⁴ Section 1003.435(4), F.S.

⁴⁵ *Id.*

⁴⁶ Florida Department of Education, *Florida's High School Cohort 2021-22 Graduation Rate*, <https://www.fldoe.org/core/fileparse.php/7584/urlt/GradRates2122.pdf>, (last visited Nov. 6, 2023).

Effect of Proposed Changes

The bill modifies s. 1003.4282, F.S., to eliminate the requirement that students must pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score, and pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, in order to earn a standard high school diploma. The bill does not remove the requirement for students to meet the course requirements for the 24 credit diploma option, or for the EOC requirement to count as 30 percent of the final course grade. This change could lead to more students graduating, raising Florida's high school graduation rate, similar to the graduation rates when the DOE implemented Florida Department of Education Emergency Orders No. 2020-EO-1 and No. 2021-EO-2 exempting students in the 2019-20 and 2020-21 graduation cohorts from the statewide standardized assessment requirements.

The bill modifies s. 1003.435 to provide that students who are 16 and 17 years old may take the assessment for a high school equivalency diploma, without an extraordinary exemption, provided the student has parent permission.

Instructional Materials

Present Situation

Instructional Materials State Adoption Process

The Florida Department of Education (DOE) facilitates the statewide instructional materials adoption process through evaluation of materials submitted by publishers and manufacturers.⁴⁷ Expert reviewers chosen by the DOE must objectively evaluate materials based on alignment to Florida's state-adopted standards, accuracy, and appropriateness for age and grade level.⁴⁸ Based on reviewer recommendations of materials that are "suitable, usable, and desirable," the Commissioner of Education (commissioner) then selects and adopts instructional materials for each grade and subject under consideration.⁴⁹ Currently, there is not a required timeline for DOE to adopt or publish a list of adopted instructional materials, often leading to the overlapping of the state-level adoption and district-level adoption of instructional materials. The DOE must provide training to instructional materials reviewers on competencies for making valid, culturally sensitive, and objective recommendations regarding the content and rigor of instructional materials prior to the beginning of the review and selection process.⁵⁰

After adoption, the DOE must make the final report of instructional materials available at all times for public inspection. The DOE Office of Instructional Materials announces the adoption by publicly posting the list on its website, as well as emailing district instructional materials contacts with the newly approved materials.⁵¹

⁴⁷ Section 1006.34(1), F.S.

⁴⁸ Section 1006.31, F.S.

⁴⁹ Section 1006.34(2)(a), F.S. Generally, the commissioner adopts instructional materials according to a 5-year rotating schedule. The commissioner may approve a shorter schedule if the content area requires more frequent revision. Section 1006.36(1), F.S.

⁵⁰ Section 1006.29(5), F.S.

⁵¹ Florida Department of Education, *Instructional Materials, Archive*, <https://www.fldoe.org/academics/standards/instructional-materials/archive/> (last visited Jan. 18, 2022). The DOE website has all adopted instructional materials lists from 2005 to present.

Instructional Materials Purchase and Reporting

Each district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students.⁵² Adequate instructional materials is defined as a sufficient number of student or site licenses or set or materials that are available in bound, unbound, kit or package form and may consist of textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media and computer courseware or software that serve as the basis for instruction for each student in the core subject areas.⁵³ The core subject areas are mathematics, language arts, social studies, science, reading and literature. Each district school board is required to purchase current instructional materials to provide for each student in grades k-12 with a major tool of instruction for core courses. Purchases are required to be made within the first three years after the effective date of the adoption cycle for materials adopted by the state.⁵⁴

Each district school board or a consortium of school districts may implement an instructional materials program that includes the review, recommendation, adoption, and purchase of instruction materials.⁵⁵ Procedures for the adoption of instructional materials by school districts or a consortium of school districts are specified in law.⁵⁶

The district school superintendent is required to certify to the DOE annually by March 31 that all instructional materials for core courses used by the district are aligned to state standards.⁵⁷ In addition, each district school superintendent is required to annually notify the DOE by April 1 of the state adopted materials that will be requisitioned for use in the district. The notification includes providing a plan for instructional materials use to verify that adequate instructional materials were requisitioned.⁵⁸

Each school principal is charged with duties related to instructional materials including; proper use of instructional materials, collections for lost or damaged materials, sale of materials, disposition of funds collected for materials, accounting for materials, and selection of library media center materials.⁵⁹ For lost, destroyed, or unnecessarily damaged materials, the school principal is required to collect from each student or the student's parent the purchase price of the material. Failure to pay may subject the student to suspension of the student from participation in extracurricular activities or satisfaction of the debt by the student through community service activities at the school site as determined by the school principal, pursuant to district school board policies.⁶⁰

Effect of Proposed Changes

The bill modifies ss. 1006.33 and 1006.34, F.S., to require the DOE to publish a list of state-adopted materials prior to the start of the local district adoption process. Specifically, the bill

⁵² Section 1006.28(2), F.S.

⁵³ Section 1006.28(1)(a)1., F.S.

⁵⁴ Section 1006.40(3)(a), F.S.

⁵⁵ Section 1006.283(1), F.S.

⁵⁶ Section 1006.28(2), F.S.

⁵⁷ Section 1006.283(1), F.S.

⁵⁸ Section 1006.28(3)(b), F.S.

⁵⁹ Section 1006.28(4), F.S.

⁶⁰ Section 1006.28(4)(b), F.S.

requires the DOE, beginning in 2026, to solicit bids for instructional materials on or before October 15 of any year, two years before any instructional materials adoption period. The bill also requires the Commissioner of Education, beginning in the 2026 adoption cycle, to publish the list of adopted instructional materials not later than July 31 of the year preceding the beginning of the adoption period.

The bill modifies ss. 1006.28 and 1006.40, F.S., to remove and clarify requirements regarding instructional materials for core subject areas in public schools. The bill clarifies that school districts are not required to purchase materials for each student enrolled for core subject areas, which authorizes that sharing of materials, if appropriate, is within the scope of the districts' obligation to provide adequate instructional materials. District school boards are also authorized, if deemed appropriate, to approve an exemption for certain core courses from the requirement that the district purchase a major tool of instruction for each core course.

The bill also modifies several dates relating to instructional materials purchasing and reporting. Specifically, the bill modifies:

- Section 1006.283, F.S., to remove the March 1 date for the superintendent to certify alignment of instructional materials to state standards, in favor of annual reporting determined by the superintendent.
- Section 1006.28, F.S., to remove the April 1 date for district school superintendents to report the requisitioned state-adopted instructional materials, in favor of annual reporting.
- Section 1006.40, F.S., to authorize the district school board to purchase instructional materials for up to five years, rather than three, within the completion of the adoption cycle of those materials.

Finally, the bill modifies s. 1006.28, F.S., to remove the requirement for a school principal to collect monies for lost or damaged instructional materials and instead allows the principal to recoup those cost when the principal deems it appropriate.

PreK-12 Assessment, School Improvement, and Accountability

Present Situation

Pre-K-12 Assessments

The Department of Education (DOE) is required to operate a statewide assessment program designed to accurately measure the core curricula content of the state educational standards.⁶¹ Participation in the assessment program is mandatory for all school districts and all students attending public schools.⁶²

The statewide, standardized coordinated screening and progress monitoring system (system) is used to measure student progress in public schools and in the Voluntary Prekindergarten (VPK) program to identify the educational strengths and needs of students.⁶³ The system measures student progress in meeting the appropriate expectations in early literacy and mathematics skills

⁶¹ Section 1008.22(3), F.S.

⁶² *Id.*

⁶³ Section 1008.25(8)(a)1., F.S.

and in English Language Arts (ELA) and mathematics standards. For students in VPK through grade 3, the system measures student performance in oral language development, phonological and phonemic awareness, knowledge of print and letters, decoding, fluency, vocabulary, and comprehension, as applicable by grade level. The system must be administered at least three times in the school year and summer VPK programs.⁶⁴

Florida allows for an extraordinary exemption for a student with a disability to receive an extraordinary exemption from an assessment if the Individual Education Plan (IEP) team determines the student would be prevented from demonstrating mastery of skills that have been acquired and are measured by a state-wide assessment or an alternate assessment.⁶⁵ The IEP team, including the parent, may submit to the superintendent a written request for an extraordinary exemption at any time during the school year but not later than 60 days prior to the current year's assessment administration.⁶⁶

By January of each year, the Commissioner of Education must publish on the DOE's website a uniform calendar that includes the assessment and reporting schedules for, at a minimum, the next 2 school years. The uniform calendar must be provided to school districts in an electronic format that allows each school district and public school to populate the calendar with, at minimum, the following information for reporting the district assessment schedules must include:⁶⁷

- Whether the assessment is a district-required assessment or a state-required assessment.
- The specific date or dates that each assessment will be administered, including administrations of the coordinated screening and progress monitoring system.
- The time allotted to administer each assessment.
- Whether the assessment is a computer-based assessment or a paper-based assessment.
- The grade level or subject area associated with the assessment.
- The date that the assessment results are expected to be available to teachers and parents.
- The type of assessment, the purpose of the assessment, and the use of the assessment results.
- A glossary of assessment terminology.
- Estimates of average time for administering state-required and district-required assessments, by grade level.

School districts are required establish schedules for the administration of any statewide, standardized assessments and district-required assessments and approve the schedules as an agenda item at a district school board meeting. Each school district is required publish the testing schedules on its website using the uniform calendar and submit the schedules to the DOE by October 1 of each year, however the DOE is not required to post the assessment calendars on its website. Each public school must publish schedules for statewide, standardized assessments and district-required assessments on its website using the uniform calendar.⁶⁸

⁶⁴ Section 1008.25(9)(b), F.S.

⁶⁵ Section 1008.212(2), F.S.

⁶⁶ Section 1008.212(3), F.S.

⁶⁷ Section 1008.22(7)(b), F.S.

⁶⁸ Section 1008.22(7)(d), F.S.

Student Assessment for Department of Juvenile Justice Programs

The State Board of Education (SBE) must adopt rules prescribing expectations for education programs in Department of Juvenile Justice (DJJ) prevention, day treatment, residential, and detention programs.⁶⁹ The rules include, but are not limited to, assessment procedures that require:

- A common assessment for students in DJJ prevention, residential, or day treatment programs with a career assessment and academic assessment designed to benchmark student-level learning gains in ELA and mathematics between entry and exit from a DJJ education program.⁷⁰
- A determination of areas of academic need and strategies for intervention and instruction for students in a DJJ detention center.

The DOE, with school districts and juvenile justice education providers, selects an assessment instrument to measure learning gains in English language arts and mathematics for a student in a juvenile justice education program.⁷¹ Not only must students complete the common assessment, but all students in DJJ programs must participate in the statewide, standardized coordinated screening and progress monitoring system as well as assessments for high school graduation.⁷²

SBE rules must also include an accountability system for educational programs by district school boards in DJJ programs that fail to meet standards in law, rule, or policy. If the DJJ education program does not meet minimum standards at the end of a three-year monitoring period the school district must enter into a provider contract, or terminate an existing provider, as applicable, within no more than six months.⁷³

School Grades

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.⁷⁴ School grades are also used to determine whether a school must select or implement a turnaround option⁷⁵ or whether a school is eligible for school recognition funds as appropriated by the Legislature.⁷⁶

Elementary, middle and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. Middle and high school models include additional components beyond the basic model.⁷⁷ Combination school models include the additional components for the grades served (*e.g.*, a school serving grades k-12 would include the additional components for the middle and high school models).

⁶⁹ Section 1003.51(2), F.S.

⁷⁰ Section 1003.51(2)(g)1. *See also* Florida Department of Education, *FAQs on the Common Assessment for DJJ Programs*, available at <https://www.fldoe.org/schools/k-12-public-schools/school-improvement/faq.stml> (last visited Nov. 6, 2023).

⁷¹ Section 1003.52(3)(d), F.S.

⁷² Rule 6A-6.05281, F.A.C.

⁷³ Section 1003.51(2)(r), F.S. *See also* Rule 6A-1.099812, F.A.C.

⁷⁴ Section 1008.34(1), F.S.

⁷⁵ *See* s. 1008.33(4), F.S.

⁷⁶ *See* s. 1008.36, F.S.

⁷⁷ *See* s. 1008.34(3)(b), F.S.; rule 6A-1.09981(4)(a)-(c), F.A.C.

Each school must receive a school grade based on the school's performance on the following components:⁷⁸

- The percentage of eligible students passing statewide, standardized assessments in ELA, mathematics, science, and social studies.
- The percentage of eligible students who make learning gains in ELA and mathematics as measured by statewide, standardized assessments.
- The percentage of eligible students in the lowest 25 percent in ELA and mathematics, as identified by prior year performance on statewide, standardized assessments, who make learning gains as measured by statewide, standardized ELA assessments.
- For schools comprised of grade levels that include grade 3, the percentage of eligible students who score an achievement level 3 or higher on the grade 3 statewide, standardized ELA assessment.
- For schools comprised of middle grades 6 through 8 or grades 7 and 8, the percentage of eligible students passing high school level statewide, standardized end-of-course assessments or attaining national industry certifications identified in the CAPE Industry Certification Funding List pursuant to SBE rule.

For a school comprised of grades 9-12, or 10-12 the school's grade is based on the following components:⁷⁹

- The 4-year high school graduation rate of the school.
- The percentage of students who were eligible to earn college and career credit in a specified acceleration mechanism, who earn a specified industry certification, or who participate in Junior Reserve Officers' Training Corps courses and earn a qualifying score on the Armed Services Vocational Aptitude Battery.

The SBE must periodically review the school grading scale to determine if the scale should be adjusted upward to meet raised expectations and encourage increased student performance. The SBE must notify the public of any adjustments and explain the reasons for the adjustment and the impact it will have on school grades.⁸⁰

School Improvement and Turnaround

Florida's system of improving low-performing schools is referred to as "school improvement" (SI). Under SI, the lowest-performing schools receive more comprehensive, state-provided intervention and support than schools that are closer to meeting student achievement goals.⁸¹ Intervention and support is required for traditional public schools earning a letter grade of "D," or "F."⁸² Upon receipt of its first grade of "D," a school is considered a Tier I SI school in need of support and intervention from the school district and the DOE.⁸³ Intensive intervention and

⁷⁸ Section 1008.34(3)(b)1.a.-j., F.S.

⁷⁹ Section 1008.34(3)(b)2., F.S.

⁸⁰ Section 1008.34(3)(c)1., F.S.

⁸¹ Section 1008.33(2)(b) and (4), F.S.; *see* rule 6A-1.099811, F.A.C. School improvement requirements were originally established under the 2002 reauthorization of ESEA, otherwise known as the No Child Left Behind (NCLB) Act of 2001. Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

⁸² Section 1008.33(3)(b), F.S.

⁸³ Rule 6A-1.099811(3)(a), F.A.C.

support strategies must be applied through turnaround plans to schools earning two consecutive grades of “D” or a grade of “F.”⁸⁴

The DOE requires that a school that has been identified as an SI school must meet the following educator staff requirements:⁸⁵

- Provide a literacy coach who has a record of effectiveness as an English Language Arts teacher or coach with a VAM rating of Highly Effective or Effective;
- Provide a mathematics coach who has a record of effectiveness as a mathematics teacher or coach with a VAM rating of Highly Effective or Effective;
- Staff the SI school so that the percentage of instructional personnel with a VAM rating that is below effective is less than the district average if the district has more than five (5) total schools and less than the state average, if the district has five (5) or fewer schools;

Schools that earn two consecutive grades of “D” or a grade of “F” must also implement a district-managed turnaround plan through which the school district manages the 2-year turnaround plan at the school.⁸⁶ The school district must submit a district-managed turnaround plan to the SBE for approval by October 1.⁸⁷

Once the district-managed turnaround plan is approved by the SBE, the school district must implement the plan for the remainder of the year and continue implementation for the next full school year. If the school’s grade does not improve to a “C” or higher after the second year, the school must select from the following turnaround options:⁸⁸

- Reassign students to another school and monitor the progress of each student.
- Close the school and reopen as one or more charter schools with a governing board that has a demonstrated record of effectiveness.
- Contract with an external operator that has a demonstrated record of effectiveness to operate the school.

The SBE may allow a school an additional year of implementation before the school must implement a different turnaround option if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation.⁸⁹

Through section 1003 of Title I, the United States Department of Education administers three grants specifically targeted to improving student performance at schools in need of improvement:⁹⁰

- Unified School Improvement Grant (UniSIG) grant – 2023-24 State Allocation of \$72,623,399. The UniSIG grant, approx. \$72 million, is allocated to school districts to serve

⁸⁴ Section 1008.33(4)(a), F.S.

⁸⁵ Rule 6A-1.099811, F.A.C. VAM is a statistical model used for the purpose of determining an individual teacher’s contribution to student learning growth, only educators teaching ELA and Math in Grades 4-10, Algebra 1 and Geometry receive a VAM score.

⁸⁶ Section 1008.33(4)(a), F.S.; Rule 6A-1.099811(6)(a)-(b), F.A.C.

⁸⁷ Section 1008.33(4)(a), F.S.

⁸⁸ Section 1008.33(4)(b)1.-3., F.S.; rule 6-A 1.099811(6)(b), F.A.C

⁸⁹ Section 1008.33(4)(a), F.S.

⁹⁰ Email, Florida Department of Education, Division of Public Schools, (Sept. 19, 2023).

traditional and charter Title I public schools implementing comprehensive support and improvement activities to:

- Support goals and priorities identified in the school's school improvement plan; and
- Provide adequate resources to substantially raise the achievement of students in the lowest-performing schools.
- UniSIG Supplemental Teacher and Administrator Allocation (STAA) - 2023-24 State Allocation of \$30,000,000. The UniSIG STAA grant allocates funding for districts to recruit teachers, to schools identified as CSI, who have a rating of highly effective or effective according to VAM. Educators who teach in grades K-3, ESE and ESOL certified teachers, and science teachers are often not eligible for the STAA award because they do not earn a VAM score.
- UniSIG Closing Achievement Gaps Between Subgroups and All Students (CAGSS) 2023-24 State Allocation of \$98,193,480. The UniSIG CAGSS support Local Educational Agencies that are serving low-performing subgroups of students in schools implementing targeted and comprehensive support and improvement activities.

Effect of Proposed Changes

Pre-K-12 Assessments

The bill modifies s. 1008.22, F.S., to eliminate the requirement of the uniform assessment calendar and that school districts submit the district-wide assessment calendar to the DOE. The bill requires that school districts to post an assessment calendar on their website and provide it in the school district's parent guide, which specifies whether an assessment is state- or district-required and the grade-bands or subject area associated with the assessments by November 1. However, the bill maintains the prohibition on school districts from scheduling more than 5 percent of a student's total school hours in a school year to administer statewide, standardized assessments; the coordinated screening and progress monitoring system and district-required local assessments.

The bill modifies s. 1008.25, F.S., to specify that, because of the shorter timeframe of the summer VPK program, the coordinated screening and progress monitoring system must be administered only twice, at the beginning and end of the summer program.

The bill modifies s. 1008.212, F.S., to remove the specific requirement that a request for an extraordinary exemption from an assessment on behalf of a student with disabilities be made 60 days prior to the current year's assessment administration. The bill allows the district school superintendent to establish deadlines for submission of a request for exemption. The provision allows districts to manage the process and recognizes that the first assessment administration is now within the first 30 days of the school year.

Student Assessment for Department of Juvenile Justice Programs

The bill modifies s. 1003.51, F.S., to remove the requirement for administration of the common assessment for students in DJJ prevention, residential, or day treatment programs. Students will be assessed on English language arts and mathematics using only the statewide, standardized coordinated screening and progress monitoring system. This should reduce the assessment time required of such students.

The bill also removes the requirement that SBE rule include a provision that district school boards, for programs that still fail to meet standards, take action on a provider contract within six months after a monitoring plan. This will provide greater flexibility to the SBE to determine improvement measures for district school board education programs.

School Grades

The bill modifies s. 1008.34, F.S., to specify that if the SBE makes any changes to the school grades model or scale that the changes may not go into effect until the following school year, at the earliest.

School Improvement and Turnaround

The bill modifies s. 1008.33, F.S., to extend from 2 to 4 years the time for a school district to implement a district-managed turnaround plan. The bill provides that a school exits district-managed turnaround with two consecutive grades of “C,” or a grade of “A” or “B.” The bill directs the DOE to adopt, in rule, a timeline for the approval of a district’s turnaround plan and a timeline for the release of the UniSIG funding, which should not exceed 20 calendar days after the school improvement plan has been approved by the DOE. The bill also prohibits the use of VAM⁹¹ as the sole determinate in recruiting instructional personnel to provide school districts more flexibility in staffing schools who have been identified as a school in need of improvement. Finally, the bill expands the school turnaround options by allowing school districts to select a community partnership school⁹² as a turnaround option.

Education Choice and Virtual Instruction Programs

Present Situation

Controlled Open Enrollment

Controlled open enrollment is a public education delivery system that allows school districts to make student school assignments using parents’ indicated preferential educational choice as a significant factor.⁹³ Each school district or charter school is required to allow a parent from any school district in the state whose child is not subject to a current expulsion or suspension to enroll his or her child in and transport his or her child to any public school, including charter schools, that has not reached capacity in the district.⁹⁴ School districts and charter school are required to make school capacity determinations for their schools, by grade level, every 12 weeks. The school capacity determinations must be made based specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs required under the school district educational facilities plan.⁹⁵

⁹¹ VAM is a statistical model used for the purpose of determining an individual teacher’s contribution to student learning growth, only educators teaching ELA and Math in Grades 4-10, Algebra 1 and Geometry receive a VAM score.

⁹² A community partnership school is a school service model that utilizes a long-term partnership among a school district, a community organization, a college or university, and a health care provider to establish, develop, and sustain a system for addressing student, family, and community needs during and outside of the school day. Section 1003.64, F.S.

⁹³ Section 1002.31 (1), F.S.

⁹⁴ Section 1002.31 (2)(a), F.S.

⁹⁵ Section 1002.31 (2)(b), F.S.

Accelerated options and Academically Challenging Curriculum (ACCEL)

Each Florida school is required to offer Academically Challenging Curriculum to Enhance Learning (ACCEL) options.⁹⁶ At a minimum each school must offer ACCEL options that include but are not limited to: whole grade and midyear promotion; subject matter acceleration; virtual instruction in higher grade level subjects; and the Credit Acceleration Program. Parents may request student participation in an ACCEL option, however, when the option is requested by the parent a performance contract must be executed between the student, parent and principal with specified criteria for participation.⁹⁷

Virtual Instruction Program

Virtual instruction programs are program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.⁹⁸ School districts are required to provide at least one option for part-time and full-time virtual instruction for students residing within the school district.⁹⁹ School districts must also provide parents with timely written notification of at least one open enrollment period for full-time students of 90 days or more which ends 30 days before the first day of the school year.¹⁰⁰

School district virtual instruction programs must meet the following requirements:¹⁰¹

- Align virtual course curriculum and course content to the state academic standards.
- Offer instruction that is designed to enable a student to gain proficiency in each virtual instruction course of study.
- Provide each student enrolled in the virtual instruction program with all the necessary instructional materials.
- Provide each full-time student enrolled in the virtual instruction program who qualifies for free or reduced-price school lunches under the National School Lunch Act, or who is on the direct certification list, and who does not have a computer or Internet access in his or her home with:
 - All equipment necessary for participants in the virtual instruction program, including, but not limited to, a computer, computer monitor, and printer, if a printer is necessary to participate in the virtual instruction program; and
 - Access to or reimbursement for all Internet services necessary for online delivery of instruction.

Effect of Proposed Changes

Controlled Open Enrollment

The bill modifies s. 1002.32, F.S., to authorize district school boards to determine how to make capacity determinations for controlled open enrollment and reduces required capacity determinations from every 12 weeks to twice annually.

⁹⁶ Section 1002.3105, F.S.

⁹⁷ Section 1002.3105(4)(c), F.S.

⁹⁸ Section 1002.45 (1)(a)3., F.S.

⁹⁹ Section 1002.45(1)(b)1., F.S.

¹⁰⁰ *Id.*

¹⁰¹ Section 1002.45(3), F.S.

Accelerated options and Academically Challenging Curriculum (ACCEL)

The bill modifies s. 1002.3105, F.S., to remove the requirement for a performance contract when the request for an ACCEL option is made by the parent. This aligns to the flexibility offered a principal for a school-initiated ACCEL program.

Virtual Instruction Program

The bill modifies s. 1002.45, F.S., to authorize school district virtual instruction programs to determine the manner of timely notification to parents of enrollment options, and authorizes a school district virtual program to provide equipment necessary for participation to all students, not limited to those who meeting specified criteria.

Recess in Traditional Public Schools

Present Situation

Each district school board must provide 150 minutes of physical education each week for students in kindergarten through grade 5 and for students in grade 6 who are enrolled in a school that contains one or more elementary grades, so that on any day during which physical education instruction is conducted there are at least 30 consecutive minutes per day.¹⁰²

In 2017¹⁰³ each district school board was also required to provide at least 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5 at traditional public schools. Such recess must involve at least 20 consecutive minutes of free-play per day.¹⁰⁴

Effect of Proposed Changes

The bill modifies s. 1003.455, F.S., to provide scheduling flexibility to school districts by removing the requirement that the 20 minutes of daily recess be unstructured and consecutive.

School District and Department of Education Required Reports

Present Situation

Fine Arts Report

The Commissioner of Education (commissioner) is required to prepare an annual report that includes a description, based on annual reporting by schools, of student access to and participation in fine arts courses, which are visual arts, music, dance, and theatre courses; the number and certification status of educators providing instruction in the courses; educational facilities designed and classroom space equipped for fine arts instruction; and the manner in which schools are providing the core curricular content for fine arts established in the state

¹⁰² Section 1003.455(3), F.S. The equivalent of one class period per day of physical education for one semester of each year is required for students in grades 6 through 8. *Id.*

¹⁰³ Ch. 2017-116, Laws of Fla.

¹⁰⁴ Section 1003.455(6), F.S. The required recess does not apply to charter schools.

academic standards. The report is be posted on the Department of Education's (DOE's) website and updated annually through the Know Your Schools portal.¹⁰⁵

Charter Technical Career Centers Report

A charter technical career center is a public school or a public technical center operated under a charter granted by a district school board or Florida College System (FCS) institution board of trustees, or a consortium of districts and FCS institutions.¹⁰⁶

The commissioner must provide for an annual comparative evaluation of charter technical career centers and public technical centers. By December 30 of each year, the commissioner must submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Senate and House committees that have responsibility for secondary and postsecondary career and technical education a report of the comparative evaluation completed for the previous school year.¹⁰⁷ There is only one charter technical center operating in Florida, Lake Technical College.¹⁰⁸

Middle Grades Career and Professional Academy Courses and Career-themed Courses Report

Each district school board, in collaboration with local workforce development boards, economic development agencies, and state-approved postsecondary institutions, are required to include plans to implement a career and professional academy or a career-themed course in at least one middle school in the district as part of the strategic 3-year plan.¹⁰⁹ The DOE is required to collect and report student achievement data for students enrolled in an academy or a career-themed course.¹¹⁰

Academically High-Performing School District Report

A school district is an academically high-performing school district if it meets the following criteria:¹¹¹

- Earns a grade of “A” for 2 consecutive years; and has no district-operated school that earns a grade of “F”;
- Complies with all class size requirements in s. 1, Art. IX of the State Constitution; and
- Has no material weaknesses or instances of material noncompliance noted in the annual financial audit conducted.

After a school district is determined to be an academically high-performing school district is required to submit to the State Board of Education and the Legislature an annual report on December 1 which delineates the performance of the school district relative to the academic

¹⁰⁵ Section 1003.4995, F.S.

¹⁰⁶ Section 1002.34(3)(a), F.S.

¹⁰⁷ Section 1002.34(19), F.S.

¹⁰⁸ Florida Department of Education, *A Comparison of State of Florida Charter Technical Career Centers to District Non-Charter Career Centers, Program Year 2021-2022*, available at <https://www.fldoe.org/core/fileparse.php/9904/urlt/charterreview22.pdf>.

¹⁰⁹ Section 1003.4935 (1), F.S.

¹¹⁰ Section 1003.4935 (3), F.S.

¹¹¹ Section 1003.621(1), F.S.

performance of students at each grade level in reading, writing, mathematics, science, and any other subject that is included as a part of the statewide assessment program.¹¹²

Committee of Practitioners Pursuant to the Federal No Child Left Behind Act

The DOE is required to establish a committee of practitioners pursuant to federal requirements of the No Child Left Behind Act of 2001. The committee members shall be appointed by the commissioner and shall annually report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1. The committee is required to meet regularly and is authorized to review potential rules and policies that will be considered by the State Board of Education.¹¹³

Implementation of State System of School Improvement and Education Accountability

The commissioner is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability, which must include policies and programs.¹¹⁴ The DOE must provide an annual feedback report that include the following:¹¹⁵

- For each school district:
 - The percentage of students, by school and grade level, demonstrating learning growth in English Language Arts and mathematics.
 - The percentage of students, by school and grade level, in both the highest and lowest quartiles demonstrating learning growth in English Language Arts and mathematics.
 - The information contained in the school district's annual report required to parents¹¹⁶ that include progress of the student achieving state and district proficiency.
- Intervention and support strategies used by school districts whose students in both the highest and lowest quartiles exceed the statewide average learning growth for students in those quartiles.
- Intervention and support strategies used by school districts whose schools provide educational services to youth in Department of Juvenile Justice programs that demonstrate learning growth in English Language Arts and mathematics that exceeds the statewide average learning growth for students in those subjects.
- Intervention and support strategies used by school districts that were effective in improving the reading performance of students, as indicated by student performance data, who are identified as having a substantial reading deficiency.

Effect of Proposed Changes

The bill repeals the following required reports:

- Fine Arts Report.
- The Charter Technical Center Report.
- Middle Grades Career and Professional Academy Courses and Career-themed Courses Report.
- Academically High-Performing School District Report.

¹¹² Section 1003.621(4), F.S.

¹¹³ Section 1008.332, F.S.

¹¹⁴ Section 1008.345, F.S.

¹¹⁵ Section 1008.345,(5), F.S.

¹¹⁶Section 1008.25(10), F.S.

- The Committee of Practitioners pursuant to the No Child Left Behind Act report. The bill also updates references to the Every Student Succeeds Act.
- The report on the Implementation of State Systems of School Improvement and Education accountability.

All of the data used for these reports will still be available for the general public through the DOE's "Know Your Schools" website.

School District Programs

Present Situation

Competency Based Pilot Program

Beginning with the 2016-2017 school year, the Competency-Based Education Pilot Program was created within the Department of Education (DOE) to be administered for a period of 7 years (2022-23 school year). The purpose of the pilot program was to provide an educational environment that allows students to advance to higher levels of learning upon the mastery of concepts and skills through statutory exemptions relating to student progression and the awarding of credits.¹¹⁷ The program was open to the following school districts:¹¹⁸

- The P.K. Yonge Developmental Research School
- Lake County School District
- Palm Beach County School District
- Pinellas County School District
- Seminole County School District

The last year of the program was the 2022-23 school year.

Single-gender Programs

Florida allows that a district school board may establish and maintain a non-vocational class, extracurricular activity, or school for elementary, middle, or high school students in which enrollment is limited to a single gender if the school district also makes available a substantially equal:¹¹⁹

- Single-gender class, extracurricular activity, or school to students of the other gender; and
- Coeducational class, extracurricular activity, or school to all students.

Art in the Capitol Competition

The Art in the Capitol Competition is a statewide visual arts competition for students in grades 6 through 8, administered by the Department of Management Services and the DOE. Each school district must annually hold an Art in the Capitol Competition for all public, private, and home education students in grades 6 through 8.¹²⁰

¹¹⁷ Section 1003.4996, F.S.

¹¹⁸ Section 1003.4996(1), F.S.

¹¹⁹ Section 1002.311, F.S.

¹²⁰ Section 1003.49965, F.S.

Effect of Proposed Changes

The bill repeals the competency-based pilot program in s. 1003.4996, F.S., and the state authorization for single-gender programs in s. 1002.311, F.S. School districts may still offer single-gender programs, if they align with the federal requirements in 34 C.F.R. s.106.34.¹²¹ Finally, the bill modifies s. 1003.49965, F.S., to make optional school district participation in the Art in the Capitol Competition.

The bill is effective July 1, 2024.

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:

There are no increased costs anticipated for the state or for school districts. However, school districts may realize a cost savings for programs no longer required or for additional local authority to implement provisions in law.

¹²¹ 34 C.F.R. s.106.34 provides federal provisions for education programs for students on the basis of their sex.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1000.05, 1002.31, 1002.3105, 1002.34, 1002.45, 1002.53, 1002.61, 1002.63, 1002.71, 1003.4282, 1003.433, 1003.435, 1003.455, 1003.4935, 1003.49965, 1003.51, 1003.621, 1006.28, 1006.283, 1006.33, 1006.34, 1006.40, 1008.212, 1008.22, 1008.25, 1008.33, 1008.332, 1008.34, and 1008.345.

This bill repeals the following sections of the Florida Statutes: 1002.311, 1003.4995, and 1003.4996.

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.

FOR CONSIDERATION By the Committee on Education Pre-K -12

581-00793A-24

20247004pb

1 A bill to be entitled
 2 An act relating to deregulation of public
 3 schools/assessment and accountability, instruction,
 4 and education choice; amending s. 1002.31, F.S.;
 5 revising how often a school district or charter school
 6 must update its school capacity determination;
 7 deleting a requirement relating to school capacity
 8 determination by district school boards; amending s.
 9 1002.3105, F.S.; deleting a requirement that a
 10 performance contract be completed if a student
 11 participates in an Academically Challenging Curriculum
 12 to Enhance Learning option; providing that a
 13 performance contract may be used at the discretion of
 14 the principal; repealing s. 1002.311, F.S., relating
 15 to single-gender programs; amending s. 1002.34, F.S.;
 16 deleting a requirement for the Commissioner of
 17 Education to provide for an annual comparative
 18 evaluation of charter technical career centers and
 19 public technical centers; amending s. 1002.45, F.S.;
 20 deleting the requirement that a notification to
 21 parents regarding virtual instruction be written;
 22 providing construction; amending s. 1002.53, F.S.;
 23 deleting a requirement for a school district to
 24 provide for admission of certain students to a summer
 25 prekindergarten program; amending s. 1002.61, F.S.;
 26 authorizing, rather than requiring, a school district
 27 to administer the Voluntary Prekindergarten Education
 28 Program; providing that a student is eligible for
 29 summer reading camp under certain conditions; amending

Page 1 of 52

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

581-00793A-24

20247004pb

30 s. 1002.63, F.S.; deleting a requirement for an early
 31 learning coalition to verify that certain public
 32 schools comply with specified provisions; amending s.
 33 1002.71, F.S.; deleting a requirement for school
 34 district funding for certain programs; deleting a
 35 requirement for district school board attendance
 36 policies for Voluntary Prekindergarten Education
 37 Programs; requiring a school district to certify its
 38 attendance records for a Voluntary Prekindergarten
 39 Education Program; amending s. 1003.4282, F.S.;
 40 revising requirements for assessments needed for a
 41 student to earn a high school diploma; deleting a
 42 requirement for a student who transfers into a public
 43 high school to take specified assessments; amending s.
 44 1003.433, F.S.; deleting requirements that must be met
 45 by students who transfer to a public school for 11th
 46 or 12th grade; amending s. 1003.435, F.S.; deleting an
 47 exception for the high school equivalency diploma
 48 program; requiring school districts to adopt a policy
 49 that allows specified students to take the high school
 50 equivalency examination; amending s. 1003.455, F.S.;
 51 making technical changes to physical education
 52 requirements; amending s. 1003.4935, F.S.; deleting a
 53 requirement that the Department of Education collect
 54 and report certain data relating to a middle school
 55 career and professional academy or career-themed
 56 course; repealing s. 1003.4995, F.S., relating to the
 57 fine arts report prepared by the Commissioner of
 58 Education; repealing s. 1003.4996, F.S., relating to

Page 2 of 52

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

581-00793A-24

20247004pb

59 the Competency-Based Education Pilot Program; amending
 60 s. 1003.49965, F.S.; authorizing, rather than
 61 requiring, a school district to hold an Art in the
 62 Capitol Competition; amending s. 1003.51, F.S.;
 63 deleting a requirement regarding assessment procedures
 64 for Department of Juvenile Justice education programs;
 65 revising requirements for which assessment results
 66 must be included in a student's discharge packet;
 67 revising requirements for when a district school board
 68 must face sanctions for unsatisfactory performance in
 69 its Department of Juvenile Justice programs; amending
 70 s. 1003.621, F.S.; deleting a requirement for
 71 academically high-performing school districts to
 72 submit an annual report to the State Board of
 73 Education; amending s. 1006.28, F.S.; revising the
 74 definition of the term "adequate instructional
 75 materials"; deleting a timeframe requirement for each
 76 district school superintendent to notify the
 77 department about instructional materials; deleting a
 78 requirement for such notification; authorizing, rather
 79 than requiring, a school principal to collect the
 80 purchase price of instructional materials lost,
 81 destroyed, or damaged by a student; amending s.
 82 1006.283, F.S.; deleting a timeframe requirement for a
 83 district school superintendent to certify to the
 84 Department of Education that instructional materials
 85 meet state standards; amending s. 1006.33, F.S.;
 86 requiring the Department of Education to advertise
 87 bids or proposals for instructional materials within a

581-00793A-24

20247004pb

88 specified timeframe beginning in a specified
 89 instructional materials adoption cycle; requiring the
 90 department to publish specifications for subject areas
 91 within a specified timeframe; amending s. 1006.34,
 92 F.S.; requiring the commissioner to publish a list of
 93 adopted instructional materials within a specified
 94 timeframe beginning in a specified instructional
 95 materials adoption cycle; amending s. 1006.40, F.S.;
 96 authorizing district school boards to approve an
 97 exemption to the purchase of certain instructional
 98 materials; revising the timeframe between purchases of
 99 instructional materials; amending s. 1008.212, F.S.;
 100 revising deadline requirements for a certain written
 101 request by an individualized education program team;
 102 amending s. 1008.22, F.S.; deleting a requirement that
 103 a student pass a certain assessment to earn a high
 104 school diploma; deleting a requirement for the
 105 commissioner to publish a calendar of assessment and
 106 reporting schedules; revising a time requirement for
 107 each school district to establish schedules for the
 108 administration of statewide, standardized assessments;
 109 revising the information that must be included with
 110 the schedules; conforming provisions to changes made
 111 by the act; deleting a requirement for the
 112 commissioner to identify which SAT and ACT scores
 113 would satisfy graduation requirements; deleting a
 114 requirement for the commissioner to identify
 115 comparative scores for the Algebra I end-of-course
 116 assessment; amending s. 1008.25, F.S.; providing

581-00793A-24

20247004pb

117 conditions under which a student must be promoted to
 118 grade 4; revising timeframe requirements for
 119 administering the coordinated screening and progress
 120 monitoring system; requiring two administrations of
 121 the coordinated screening and progress monitoring
 122 system for students in a summer prekindergarten
 123 program; conforming a cross-reference; amending s.
 124 1008.33, F.S.; prohibiting a school from being
 125 required to use a certain parameter as the sole
 126 determining factor to recruit instructional personnel;
 127 providing requirements for a rule adopted by the State
 128 Board of Education; revising the date by which a
 129 school district must submit a memorandum of
 130 understanding to the Department of Education;
 131 increasing the length of time for which certain school
 132 districts must continue a turnaround plan; revising an
 133 authorization for the state board to allow a school
 134 additional time before implementing a turnaround
 135 option; revising requirements for schools that
 136 complete a plan cycle; deleting a requirement for a
 137 school to implement another turnaround option under
 138 certain circumstances; amending s. 1008.332, F.S.;
 139 revising a provision relating to the No Child Left
 140 Behind Act to relate to the Every Student Succeeds
 141 Act; deleting a requirement for committee members to
 142 annually report to specified entities; amending s.
 143 1008.34, F.S.; requiring that certain changes made by
 144 the state board to the school grades model or school
 145 grading scale go into effect in the following school

581-00793A-24

20247004pb

146 year or later; conforming cross-references; amending
 147 s. 1008.345, F.S.; deleting a requirement for the
 148 Department of Education to develop an annual feedback
 149 report; deleting a requirement for the Commissioner of
 150 Education to review specified feedback reports and
 151 submit findings to the State Board of Education;
 152 deleting certain requirements for a report the
 153 commissioner produces annually for the state board;
 154 conforming a cross reference; amending s. 1000.05,
 155 F.S.; conforming cross-references; providing an
 156 effective date.

157
 158 Be It Enacted by the Legislature of the State of Florida:

159
 160 Section 1. Paragraph (b) of subsection (2) of section
 161 1002.31, Florida Statutes, is amended to read:

162 1002.31 Controlled open enrollment; public school parental
 163 choice.—

164 (2)

165 (b) Each school district and charter school capacity
 166 determinations for its schools, by grade level, must be updated
 167 at least twice annually ~~every 12 weeks~~ and be identified on the
 168 school district and charter school's websites. ~~In determining~~
 169 ~~the capacity of each district school, the district school board~~
 170 ~~shall incorporate the specifications, plans, elements, and~~
 171 ~~commitments contained in the school district educational~~
 172 ~~facilities plan and the long-term work programs required under~~
 173 ~~s. 1013.35.~~ Each charter school governing board shall determine
 174 capacity based upon its charter school contract. Each virtual

581-00793A-24

20247004pb

175 charter school and each school district with a contract with an
 176 approved virtual instruction program provider shall determine
 177 capacity based upon the enrollment requirements established
 178 under s. 1002.45(1)(e)4.

179 Section 2. Paragraphs (c) and (d) of subsection (4) of
 180 section 1002.3105, Florida Statutes, are amended to read:

181 1002.3105 Academically Challenging Curriculum to Enhance
 182 Learning (ACCEL) options.—

183 (4) ACCEL REQUIREMENTS.—

184 (c) If a student participates in an ACCEL option pursuant
 185 to the parental request under subparagraph (b)1., a performance
 186 contract is not required but may be used at the discretion of
 187 the principal must be executed by the student, the parent, and
 188 the principal. At a minimum, the performance contract must
 189 require compliance with:

190 1. ~~Minimum student attendance requirements.~~

191 2. ~~Minimum student conduct requirements.~~

192 3. ~~ACCEL option requirements established by the principal,~~
 193 ~~which may include participation in extracurricular activities,~~
 194 ~~educational outings, field trips, interscholastic competitions,~~
 195 ~~and other activities related to the ACCEL option selected.~~

196 ~~(d)~~ If a principal initiates a student's participation in
 197 an ACCEL option, the student's parent must be notified. A
 198 performance contract, ~~pursuant to paragraph (c),~~ is not required
 199 when a principal initiates participation but may be used at the
 200 discretion of the principal.

201 Section 3. Section 1002.311, Florida Statutes, is repealed.

202 Section 4. Subsection (19) of section 1002.34, Florida
 203 Statutes, is amended to read:

581-00793A-24

20247004pb

204 1002.34 Charter technical career centers.—

205 ~~(19) EVALUATION, REPORT. The Commissioner of Education~~
 206 ~~shall provide for an annual comparative evaluation of charter~~
 207 ~~technical career centers and public technical centers. The~~
 208 ~~evaluation may be conducted in cooperation with the sponsor,~~
 209 ~~through private contracts, or by department staff. At a minimum,~~
 210 ~~the comparative evaluation must address the demographic and~~
 211 ~~socioeconomic characteristics of the students served, the types~~
 212 ~~and costs of services provided, and the outcomes achieved. By~~
 213 ~~December 30 of each year, the Commissioner of Education shall~~
 214 ~~submit to the Governor, the President of the Senate, the Speaker~~
 215 ~~of the House of Representatives, and the Senate and House~~
 216 ~~committees that have responsibility for secondary and~~
 217 ~~postsecondary career and technical education a report of the~~
 218 ~~comparative evaluation completed for the previous school year.~~

219 Section 5. Paragraph (b) of subsection (1) and paragraph
 220 (d) of subsection (3) of section 1002.45, Florida Statutes, are
 221 amended to read:

222 1002.45 Virtual instruction programs.—

223 (1) PROGRAM.—

224 (b)1. Each school district shall provide at least one
 225 option for part-time and full-time virtual instruction for
 226 students residing within the school district. All school
 227 districts must provide parents with timely ~~written~~ notification
 228 of at least one open enrollment period for full-time students of
 229 90 days or more which ends 30 days before the first day of the
 230 school year. A school district virtual instruction program shall
 231 consist of the following:

232 a. Full-time and part-time virtual instruction for students

581-00793A-24

20247004pb

enrolled in kindergarten through grade 12.

b. Full-time or part-time virtual instruction for students enrolled in dropout prevention and academic intervention programs under s. 1003.53, Department of Juvenile Justice education programs under s. 1003.52, core-curricula courses to meet class size requirements under s. 1003.03, or Florida College System institutions under this section.

2. Each virtual instruction program established under paragraph (c) by a school district either directly or through a contract with an approved virtual instruction program provider shall operate under its own Master School Identification Number as prescribed by the department.

(3) VIRTUAL INSTRUCTION PROGRAM REQUIREMENTS.—Each virtual instruction program under this section must:

(d) Provide each full-time student enrolled in the virtual instruction program who qualifies for free or reduced-price school lunches under the National School Lunch Act, or who is on the direct certification list, and who does not have a computer or Internet access in his or her home with:

1. All equipment necessary for participants in the virtual instruction program, including, but not limited to, a computer, computer monitor, and printer, if a printer is necessary to participate in the virtual instruction program; and

2. Access to or reimbursement for all Internet services necessary for online delivery of instruction.

This paragraph does not prohibit a school district virtual instruction program from providing such equipment to any student enrolled in a virtual instruction program.

581-00793A-24

20247004pb

Section 6. Paragraph (b) of subsection (6) of section 1002.53, Florida Statutes, is amended to read:

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.—

(6)

(b) A parent may enroll his or her child with any public school within the school district which is eligible to deliver the Voluntary Prekindergarten Education Program under this part, subject to available space. Each school district may limit the number of students admitted by any public school for enrollment in the ~~school-year~~ program; ~~however, the school district must provide for the admission of every eligible child within the district whose parent enrolls the child in a summer prekindergarten program delivered by a public school under s. 1002.61.~~

Section 7. Paragraph (a) of subsection (1) and paragraph (a) of subsection (10) of section 1002.61, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

1002.61 Summer prekindergarten program delivered by public schools and private prekindergarten providers.—

(1) (a) Each school district ~~may shall~~ administer the Voluntary Prekindergarten Education Program at the district level for students enrolled under s. 1002.53(3)(b) in a summer prekindergarten program delivered by a public school.

(10) (a) Each early learning coalition shall verify that each private prekindergarten provider ~~and public school~~ delivering the Voluntary Prekindergarten Education Program within the coalition's county or multicounty region complies with this part.

581-00793A-24

20247004pb

291 (11) A student who did not attend the school year Voluntary
 292 Prekindergarten Education Program and lacks access to summer
 293 prekindergarten in the county in which he or she resides is
 294 eligible to enroll in the summer reading camp provided by the
 295 district school board under s. 1008.25.

296 Section 8. Subsection (9) of section 1002.63, Florida
 297 Statutes, is amended to read:

298 1002.63 School-year prekindergarten program delivered by
 299 public schools.—

300 (9)(a) ~~Each early learning coalition shall verify that each~~
 301 ~~public school delivering the Voluntary Prekindergarten Education~~
 302 ~~Program within the coalition's service area complies with this~~
 303 ~~part.~~

304 ~~(b)~~ If a public school fails or refuses to comply with this
 305 part or engages in misconduct, the department must ~~shall~~ require
 306 that the school district ~~to~~ remove the school from eligibility
 307 to deliver the Voluntary Prekindergarten Education Program and
 308 receive state funds under this part for a period of at least 2
 309 years but no more than 5 years.

310 Section 9. Paragraph (d) of subsection (3), paragraph (b)
 311 of subsection (6), and subsection (7) of section 1002.71,
 312 Florida Statutes, are amended to read:

313 1002.71 Funding; financial and attendance reporting.—

314 (3)

315 ~~(d) For programs offered by school districts pursuant to s.~~
 316 ~~1002.61, each district's funding shall be based on a student~~
 317 ~~enrollment that is evenly divisible by 12. If the result of~~
 318 ~~dividing a district's student enrollment by 12 is not a whole~~
 319 ~~number, the district's enrollment calculation shall be adjusted~~

581-00793A-24

20247004pb

320 ~~by adding the minimum number of students to produce a student~~
 321 ~~enrollment calculation that is evenly divisible by 12.~~

322 (6)

323 (b)1. Each private prekindergarten provider's ~~and district~~
 324 ~~school board's~~ attendance policy must require the parent of each
 325 student in the Voluntary Prekindergarten Education Program to
 326 verify, each month, the student's attendance on the prior
 327 month's certified student attendance.

328 2. The parent must submit the verification of the student's
 329 attendance to the private prekindergarten provider ~~or public~~
 330 ~~school~~ on forms prescribed by the department. The forms must
 331 include, in addition to the verification of the student's
 332 attendance, a certification, in substantially the following
 333 form, that the parent continues to choose the private
 334 prekindergarten provider or public school in accordance with s.
 335 1002.53 and directs that payments for the program be made to the
 336 provider or school:

337 VERIFICATION OF STUDENT'S ATTENDANCE
 338 AND CERTIFICATION OF PARENTAL CHOICE

340
 341 I, ...(Name of Parent)..., swear (or affirm) that my child,
 342 ...(Name of Student)..., attended the Voluntary Prekindergarten
 343 Education Program on the days listed above and certify that I
 344 continue to choose ...(Name of Provider or School)... to deliver
 345 the program for my child and direct that program funds be paid
 346 to the provider or school for my child.

347 ...(Signature of Parent)...

348 ...(Date)...

581-00793A-24

20247004pb

3. The private prekindergarten provider ~~or public school~~ must keep each original signed form for at least 2 years. Each private prekindergarten provider must permit the early learning coalition, ~~and each public school must permit the school district,~~ to inspect the original signed forms during normal business hours. The department shall adopt procedures for early learning coalitions ~~and school districts~~ to review the original signed forms against the certified student attendance. The review procedures must ~~shall~~ provide for the use of selective inspection techniques, including, but not limited to, random sampling. Each early learning coalition ~~and the school districts~~ must comply with the review procedures.

(7) The department shall require that administrative expenditures be kept to the minimum necessary for efficient and effective administration of the Voluntary Prekindergarten Education Program. Administrative policies and procedures must ~~shall be revised,~~ to the maximum extent practicable, be revised to incorporate the use of automation and electronic submission of forms, including those required for child eligibility and enrollment, provider and class registration, and monthly certification of attendance for payment. A school district may use its automated daily attendance reporting system for the purpose of maintaining and transmitting attendance records to the early learning coalition in a mutually agreed-upon format. Each school district shall certify the correctness of attendance data submitted to the single point of entry system described in paragraph (5)(a) as required by the department. In addition, actions must ~~shall~~ be taken to reduce paperwork, eliminate the

581-00793A-24

20247004pb

duplication of reports, and eliminate other duplicative activities. Each early learning coalition may retain and expend no more than 4.0 percent of the funds paid by the coalition to private prekindergarten providers and public schools under paragraph (5)(b). Funds retained by an early learning coalition under this subsection may be used only for administering the Voluntary Prekindergarten Education Program and may not be used for the school readiness program or other programs.

Section 10. Paragraphs (a) and (b) of subsection (3), paragraph (c) of subsection (5), and subsection (6) of section 1003.4282, Florida Statutes, are amended to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(a) *Four credits in English Language Arts (ELA).*—The four credits must be in ELA I, II, III, and IV. ~~A student must pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score, in order to earn a standard high school diploma.~~

(b) *Four credits in mathematics.*—

1. A student must earn one credit in Algebra I and one credit in Geometry. A student's performance on the statewide, standardized Algebra I end-of-course (EOC) assessment constitutes 30 percent of the student's final course grade. ~~A student must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, in order to earn a standard high school diploma.~~ A student's performance on the statewide, standardized Geometry EOC assessment constitutes 30 percent of the student's final course grade.

581-00793A-24

20247004pb

2. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I and Geometry. A student may earn two mathematics credits by successfully completing Algebra I through two full-year courses. A certified school counselor or the principal's designee shall ~~must~~ advise the student that admission to a state university may require the student to earn 3 additional mathematics credits that are at least as rigorous as Algebra I.

3. A student who earns a computer science credit may substitute the credit for up to one credit of the mathematics requirement, with the exception of Algebra I and Geometry, if the commissioner identifies the computer science credit as being equivalent in rigor to the mathematics credit. An identified computer science credit may not be used to substitute for both a mathematics and a science credit. A student who earns an industry certification in 3D rapid prototype printing may satisfy up to two credits of the mathematics requirement, with the exception of Algebra I, if the commissioner identifies the certification as being equivalent in rigor to the mathematics credit or credits.

(5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—

(c) A student who earns the required 24 credits, or the required 18 credits under s. 1002.3105(5), but fails to ~~pass the assessments required under s. 1008.22(3) or~~ achieve a 2.0 GPA shall be awarded a certificate of completion in a form prescribed by the State Board of Education. However, a student

581-00793A-24

20247004pb

who is otherwise entitled to a certificate of completion may elect to remain in high school either as a full-time student or a part-time student for up to 1 additional year and receive special instruction designed to remedy his or her identified deficiencies.

(6) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS. ~~Beginning with the 2012-2013 school year, if a student transfers to a Florida public high school from out of country, out of state, a private school, or a home education program and the student's transcript shows a credit in Algebra I, the student must pass the statewide, standardized Algebra I EOC assessment in order to earn a standard high school diploma unless the student earned a comparative score, passed a statewide assessment in Algebra I administered by the transferring entity, or passed the statewide mathematics assessment the transferring entity uses to satisfy the requirements of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA), 20 U.S.C. ss. 6301 et seq. If a student's transcript shows a credit in high school reading or English Language Arts II or III, in order to earn a standard high school diploma, the student must take and pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score. If a transfer student's transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or United States History, the transferring course final grade and credit must ~~shall~~ be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 30 percent of the student's final course grade.~~

Section 11. Section 1003.433, Florida Statutes, is amended

581-00793A-24

20247004pb

to read:

1003.433 Learning opportunities for out-of-state and out-of-country transfer students and students needing additional instruction to meet high school graduation requirements.-

~~(1)~~ Students who enter a Florida public school at the 11th or 12th grade from out of state or out of country may ~~shall~~ not be required to spend additional time in a Florida public school in order to meet the high school course requirements if the student has met all requirements of the school district, state, or country from which he or she is transferring. Such students who are not proficient in English should receive immediate and intensive instruction in English language acquisition. However, to receive a standard high school diploma, a transfer student must earn a 2.0 grade point average and meet the requirements under s. 1008.22.

~~(2) Students who earn the required 24 credits for the standard high school diploma except for passage of any must-pass assessment under s. 1003.4282 or s. 1008.22 or an alternate assessment by the end of grade 12 must be provided the following learning opportunities:~~

~~(a) Participation in an accelerated high school equivalency diploma preparation program during the summer.~~

~~(b) Upon receipt of a certificate of completion, be allowed to take the College Placement Test and be admitted to developmental education or credit courses at a Florida College System institution, as appropriate.~~

~~(c) Participation in an adult general education program as provided in s. 1004.93 for such time as the student requires to master English, reading, mathematics, or any other subject~~

581-00793A-24

20247004pb

~~required for high school graduation. A student attending an adult general education program shall have the opportunity to take any must-pass assessment under s. 1003.4282 or s. 1008.22 an unlimited number of times in order to receive a standard high school diploma.~~

~~(3) Students who have been enrolled in an ESOL program for less than 2 school years and have met all requirements for the standard high school diploma except for passage of any must-pass assessment under s. 1003.4282 or s. 1008.22 or alternate assessment may:~~

~~(a) Receive immersion English language instruction during the summer following their senior year. Students receiving such instruction are eligible to take the required assessment or alternate assessment and receive a standard high school diploma upon passage of the required assessment or alternate assessment. This paragraph shall be implemented to the extent funding is provided in the General Appropriations Act.~~

~~(b) Beginning with the 2022-2023 school year, meet the requirement to pass the statewide, standardized grade 10 English Language Arts assessment by satisfactorily demonstrating grade-level expectations on formative assessments, in accordance with state board rule.~~

Section 12. Paragraph (a) of subsection (4) of section 1003.435, Florida Statutes, is amended to read:

1003.435 High school equivalency diploma program.-

(4) (a) A candidate for a high school equivalency diploma must ~~shall~~ be at least 18 years of age on the date of the examination, except that ~~in extraordinary circumstances, as provided for in rules of the district school board of the~~

581-00793A-24

20247004pb

~~district in which the candidate resides or attends school, a candidate may take the examination after reaching the age of 16 with the written permission of her or her parent or guardian. School districts shall adopt a policy to allow for such written permission by a parent or guardian.~~

Section 13. Subsection (6) of section 1003.455, Florida Statutes, is amended to read:

1003.455 Physical education; assessment.—

(6) In addition to the requirements in subsection (3), each district school board shall provide at least 100 minutes of supervised and, safe, and unstructured free-play recess each week for students in kindergarten through grade 5 so that there are at least 20 ~~consecutive~~ minutes of free-play recess per day. This requirement does not apply to charter schools.

Section 14. Subsection (3) of section 1003.4935, Florida Statutes, is amended to read:

1003.4935 Middle grades career and professional academy courses and career-themed courses.—

~~(3) Beginning with the 2012-2013 school year, if a school district implements a middle school career and professional academy or a career-themed course, the Department of Education shall collect and report student achievement data pursuant to performance factors identified under s. 1003.492(3) for students enrolled in an academy or a career-themed course.~~

Section 15. Section 1003.4995, Florida Statutes, is repealed.

Section 16. Section 1003.4996, Florida Statutes, is repealed.

Section 17. Subsection (2) of section 1003.49965, Florida

581-00793A-24

20247004pb

Statutes, is amended to read:

1003.49965 Art in the Capitol Competition.—

(2) A ~~Each~~ school district ~~may shall~~ annually hold an Art in the Capitol Competition for all public, private, and home education students in grades 6 through 8. Submissions must ~~shall~~ be judged by a selection committee consisting of art teachers whose students have not submitted artwork for consideration.

Section 18. Paragraphs (g) and (r) of subsection (2) of section 1003.51, Florida Statutes, are amended to read:

1003.51 Other public educational services.—

(2) The State Board of Education shall adopt rules articulating expectations for effective education programs for students in Department of Juvenile Justice programs, including, but not limited to, education programs in juvenile justice prevention, day treatment, residential, and detention programs. The rule shall establish policies and standards for education programs for students in Department of Juvenile Justice programs and shall include the following:

(g) Assessment procedures, which—

~~1. For prevention, day treatment, and residential programs, include appropriate academic and career assessments administered at program entry and exit that are selected by the Department of Education in partnership with representatives from the Department of Juvenile Justice, district school boards, and education providers. Assessments must be completed within the first 10 school days after a student's entry into the program.~~

~~2. provide for determination of the areas of academic need and strategies for appropriate intervention and instruction for each student in a detention facility within 5 school days after~~

581-00793A-24 20247004pb

the student's entry into the program and administer a research-based assessment that will assist the student in determining his or her educational and career options and goals within 22 school days after the student's entry into the program.

The results of the these assessments required under this paragraph and under s. 1003.52(3)(d), together with a portfolio depicting the student's academic and career accomplishments, must ~~shall~~ be included in the discharge packet assembled for each student.

(r) A series of graduated sanctions for district school boards whose educational programs in Department of Juvenile Justice programs are considered to be unsatisfactory and for instances in which district school boards fail to meet standards prescribed by law, rule, or State Board of Education policy. These sanctions must ~~shall~~ include the option of requiring a district school board to contract with a provider or another district school board if the educational program at the Department of Juvenile Justice program is performing below minimum standards ~~and, after 6 months, is still performing below minimum standards.~~

Section 19. Subsection (4) of section 1003.621, Florida Statutes, is amended to read:

1003.621 Academically high-performing school districts.—It is the intent of the Legislature to recognize and reward school districts that demonstrate the ability to consistently maintain or improve their high-performing status. The purpose of this section is to provide high-performing school districts with flexibility in meeting the specific requirements in statute and

581-00793A-24 20247004pb

rules of the State Board of Education.

~~(4) REPORTS.—The academically high-performing school district shall submit to the State Board of Education and the Legislature an annual report on December 1 which delineates the performance of the school district relative to the academic performance of students at each grade level in reading, writing, mathematics, science, and any other subject that is included as a part of the statewide assessment program in s. 1008.22. The annual report shall be submitted in a format prescribed by the Department of Education and shall include:~~

~~(a) Longitudinal performance of students on statewide, standardized assessments taken under s. 1008.22;~~

~~(b) Longitudinal performance of students by grade level and subgroup on statewide, standardized assessments taken under s. 1008.22;~~

~~(c) Longitudinal performance regarding efforts to close the achievement gap;~~

~~(d) 1. Number and percentage of students who take an Advanced Placement Examination; and~~

~~2. Longitudinal performance regarding students who take an Advanced Placement Examination by demographic group, specifically by age, gender, race, and Hispanic origin, and by participation in the National School Lunch Program;~~

~~(e) Evidence of compliance with subsection (1); and~~

~~(f) A description of each waiver and the status of each waiver.~~

Section 20. Paragraph (a) of subsection (1), paragraph (b) of subsection (3), and paragraph (b) of subsection (4) of section 1006.28, Florida Statutes, are amended to read:

581-00793A-24

20247004pb

639 1006.28 Duties of district school board, district school
 640 superintendent; and school principal regarding K-12
 641 instructional materials.—
 642 (1) DEFINITIONS.—
 643 (a) As used in this section, the term:
 644 1. "Adequate instructional materials" means a sufficient
 645 number of student or site licenses or sets of materials that are
 646 available in bound, unbound, kit, or package form and may
 647 consist of hardbacked or softbacked textbooks, electronic
 648 content, consumables, learning laboratories, manipulatives,
 649 electronic media, and computer courseware or software that serve
 650 as the basis for instruction ~~for each student~~ in the core
 651 subject areas of mathematics, language arts, social studies,
 652 science, reading, and literature.
 653 2. "Instructional materials" has the same meaning as in s.
 654 1006.29(2).
 655 3. "Library media center" means any collection of books,
 656 ebooks, periodicals, or videos maintained and accessible on the
 657 site of a school, including in classrooms.
 658 (3) DISTRICT SCHOOL SUPERINTENDENT.—
 659 (b) Each district school superintendent shall annually
 660 notify the department ~~by April 1 of each year~~ the state-adopted
 661 instructional materials that will be requisitioned for use in
 662 his or her school district. ~~The notification shall include a~~
 663 ~~district school board plan for instructional materials use to~~
 664 ~~assist in determining if adequate instructional materials have~~
 665 ~~been requisitioned.~~
 666 (4) SCHOOL PRINCIPAL.—The school principal has the
 667 following duties for the management and care of materials at the

581-00793A-24

20247004pb

668 school:
 669 (b) ~~Money collected for lost or damaged instructional~~
 670 ~~materials; enforcement.—~~The school principal ~~may shall~~ collect
 671 from each student or the student's parent the purchase price of
 672 any instructional material the student has lost, destroyed, or
 673 unnecessarily damaged and to report and transmit the money
 674 collected to the district school superintendent. The failure to
 675 collect such sum upon reasonable effort by the school principal
 676 may result in the suspension of the student from participation
 677 in extracurricular activities or satisfaction of the debt by the
 678 student through community service activities at the school site
 679 as determined by the school principal, pursuant to policies
 680 adopted by district school board rule.
 681 Section 21. Subsection (1) of section 1006.283, Florida
 682 Statutes, is amended to read:
 683 1006.283 District school board instructional materials
 684 review process.—
 685 (1) A district school board or consortium of school
 686 districts may implement an instructional materials program that
 687 includes the review, recommendation, adoption, and purchase of
 688 instructional materials. The district school superintendent
 689 shall annually certify to the department ~~by March 31 of each~~
 690 ~~year~~ that all instructional materials for core courses used by
 691 the district are aligned with applicable state standards. A list
 692 of the core instructional materials that will be used or
 693 purchased for use by the school district shall be included in
 694 the certification.
 695 Section 22. Paragraph (a) of subsection (1) of section
 696 1006.33, Florida Statutes, is amended to read:

581-00793A-24

20247004pb

697 1006.33 Bids or proposals; advertisement and its contents.-
 698 (1) (a) 1. Beginning on or before May 15 of any year in which
 699 an instructional materials adoption is to be initiated, the
 700 department shall advertise in the Florida Administrative
 701 Register 4 weeks preceding the date on which the bids shall be
 702 received, that at a certain designated time, not later than June
 703 15, sealed bids or proposals to be deposited with the department
 704 will be received from publishers or manufacturers for the
 705 furnishing of instructional materials proposed to be adopted as
 706 listed in the advertisement beginning April 1 following the
 707 adoption.

708 2. Beginning with the 2026 instructional materials adoption
 709 cycle, on or before October 15 of any year and 2 years before
 710 any instructional materials adoption period, the department
 711 shall advertise in the Florida Administrative Register 4 weeks
 712 preceding the date on which the bids must be received that at a
 713 certain designated time not later than November 15, sealed bids
 714 or proposals to be deposited with the department will be
 715 received from publishers or manufacturers for the furnishing of
 716 instructional materials proposed to be adopted as listed in the
 717 advertisement beginning April 1 following the adoption. The
 718 department shall publish its specifications for each subject for
 719 which instructional materials are to be adopted a minimum of 180
 720 days before the date on which it will place such advertisement.

721 Section 23. Paragraph (a) of subsection (2) of section
 722 1006.34, Florida Statutes, is amended to read:

723 1006.34 Powers and duties of the commissioner and the
 724 department in selecting and adopting instructional materials.-

725 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.-

581-00793A-24

20247004pb

726 (a) The department shall notify all publishers and
 727 manufacturers of instructional materials who have submitted bids
 728 that within 3 weeks after the deadline for receiving bids, at a
 729 designated time and place, it will open the bids submitted and
 730 deposited with it. At the time and place designated, the bids
 731 ~~must shall~~ be opened, read, and tabulated in the presence of the
 732 bidders or their representatives. No one may revise his or her
 733 bid after the bids have been filed. When all bids have been
 734 carefully considered, the commissioner shall, from the list of
 735 suitable, usable, and desirable instructional materials reported
 736 by the state instructional materials reviewers, select and adopt
 737 instructional materials for each grade and subject field in the
 738 curriculum of public elementary, middle, and high schools in
 739 which adoptions are made and in the subject areas designated in
 740 the advertisement. Beginning with the 2026 instructional
 741 materials adoption cycle, the commissioner shall publish the
 742 list of adopted instructional materials not later than July 31
 743 of the year preceding the beginning of the adoption period. The
 744 adoption must shall continue for the period specified in the
 745 advertisement, beginning on the ensuing April 1. The adoption
 746 may shall not prevent the extension of a contract as provided in
 747 subsection (3). The commissioner shall always reserve the right
 748 to reject any and all bids. The commissioner may ask for new
 749 sealed bids from publishers or manufacturers whose instructional
 750 materials were recommended by the state instructional materials
 751 reviewers as suitable, usable, and desirable; specify the dates
 752 for filing such bids and the date on which they must shall be
 753 opened; and proceed in all matters regarding the opening of bids
 754 and the awarding of contracts as required by this part. In all

581-00793A-24

20247004pb

cases, bids ~~must shall~~ be accompanied by a cash deposit or certified check of from \$500 to \$2,500, as the department may direct. The department ~~shall~~, in adopting instructional materials, ~~shall~~ give due consideration both to the prices bid for furnishing instructional materials and to the report and recommendations of the state instructional materials reviewers. When the commissioner has finished with the report of the state instructional materials reviewers, the report ~~must shall~~ be filed and preserved with the department and ~~must shall~~ be available at all times for public inspection.

Section 24. Subsection (2) of section 1006.40, Florida Statutes, is amended to read:

1006.40 Purchase of instructional materials.—

(2) Each district school board must purchase current instructional materials to provide students ~~each student~~ in kindergarten through grade 12 with a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature. If deemed appropriate by the district school board, it may approve an exemption to such purchase for certain courses. Such purchase must be made within the first 5 ~~3~~ years after the effective date of the adoption cycle unless a district school board or a consortium of school districts has implemented an instructional materials program pursuant to s. 1006.283.

Section 25. Subsection (3) of section 1008.212, Florida Statutes, is amended to read:

1008.212 Students with disabilities; extraordinary exemption.—

(3) The IEP team, which must include the parent, may submit

581-00793A-24

20247004pb

to the district school superintendent a written request for an extraordinary exemption at any time during the school year, subject to deadlines established by the district school superintendent ~~but not later than 60 days before the current year's assessment administration for which the request is made.~~

A request must include all of the following:

(a) A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.

(b) Written documentation of the most recent evaluation data.

(c) Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.

(d) A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.

(e) Written evidence that the student has had the opportunity to learn the skills being tested.

(f) Written evidence that the student has been provided appropriate instructional accommodations.

(g) Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.

(h) Written evidence of the circumstance or condition as

581-00793A-24

20247004pb

defined in subsection (1).

Section 26. Paragraphs (a) and (d) of subsection (3), paragraphs (b), (d), (e), and (h) of subsection (7), and subsections (9) and (10) of section 1008.22, Florida Statutes, are amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the state academic standards. The commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the state academic standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282 and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. The statewide, standardized assessment program shall be designed and implemented as follows:

(a) *Statewide, standardized comprehensive assessments.*—

1. The statewide, standardized English Language Arts (ELA) assessments shall be administered to students in grades 3 through 10. Retake opportunities for the grade 10 ELA assessment

581-00793A-24

20247004pb

must be provided. Reading passages and writing prompts for ELA assessments shall incorporate grade-level core curricula content from social studies. The statewide, standardized Mathematics assessments shall be administered annually in grades 3 through 8. The statewide, standardized Science assessment shall be administered annually at least once at the elementary and middle grades levels. ~~In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 ELA assessment must earn a passing score on the assessment retake or earn a concordant score as authorized under subsection (9).~~

2. Beginning with the 2022-2023 school year, the end-of-year comprehensive progress monitoring assessment administered pursuant to s. 1008.25(9)(b)2. is the statewide, standardized ELA assessment for students in grades 3 through 10 and the statewide, standardized Mathematics assessment for students in grades 3 through 8.

(d) *Students with disabilities; Florida Alternate Assessment.*—

1. Each district school board must provide instruction to prepare students with disabilities in the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation.

2. A student with a disability, as defined in s. 1007.02, for whom the individual education plan (IEP) team determines that the statewide, standardized assessments under this section cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade ~~and a standard high school diploma~~. Such waiver shall be

581-00793A-24

20247004pb

designated on the student's transcript. The statement of waiver shall be limited to a statement that performance on an assessment was waived for the purpose of receiving a course grade ~~or a standard high school diploma~~, as applicable.

3. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of assessment accommodations for students with disabilities and for students who have limited English proficiency.

a. Accommodations that negate the validity of a statewide, standardized assessment are not allowed during the administration of the assessment. However, instructional accommodations are allowed in the classroom if identified in a student's IEP. Students using instructional accommodations in the classroom that are not allowed on a statewide, standardized assessment may have assessment results waived if the IEP team determines that the assessment cannot accurately measure the student's abilities.

b. If a student is provided with instructional accommodations in the classroom that are not allowed as accommodations for statewide, standardized assessments, the district must inform the parent in writing and provide the parent with information regarding the impact on the student's ability to meet expected performance levels. A parent must provide signed consent for a student to receive classroom instructional accommodations that would not be available or permitted on a statewide, standardized assessment and acknowledge in writing that he or she understands the implications of such instructional accommodations.

c. If a student's IEP states that online administration of

581-00793A-24

20247004pb

a statewide, standardized assessment will significantly impair the student's ability to perform, the assessment must ~~shall~~ be administered in hard copy.

4. For students with significant cognitive disabilities, the Department of Education shall provide for implementation of the Florida Alternate Assessment to accurately measure the core curricular content established in the state academic standards.

(7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

~~(b) By January of each year, the commissioner shall publish on the department's website a uniform calendar that includes the assessment and reporting schedules for, at a minimum, the next 2 school years. The uniform calendar must be provided to school districts in an electronic format that allows each school district and public school to populate the calendar with, at minimum, the following information for reporting the district assessment schedules under paragraph (d):~~

~~1. Whether the assessment is a district-required assessment or a state-required assessment.~~

~~2. The specific date or dates that each assessment will be administered, including administrations of the coordinated screening and progress monitoring system under s. 1008.25(9)(b).~~

~~3. The time allotted to administer each assessment.~~

~~4. Whether the assessment is a computer-based assessment or a paper-based assessment.~~

~~5. The grade level or subject area associated with the assessment.~~

~~6. The date that the assessment results are expected to be available to teachers and parents.~~

~~7. The type of assessment, the purpose of the assessment,~~

581-00793A-24

20247004pb

and the use of the assessment results.

~~8. A glossary of assessment terminology.~~

~~9. Estimates of average time for administering state-required and district-required assessments, by grade level.~~

(c)(d) Each school district shall, by November 1 of each year, establish schedules for the administration of any statewide, standardized assessments and district-required assessments and approve the schedules as an agenda item at a district school board meeting. Each school district shall publish the testing schedules on its website which specify whether an assessment is a state-required or district-required assessment and the grade bands or subject area associated with the assessments using the uniform calendar, including all information required under paragraph (b), and submit the schedules to the Department of Education by October 1 of each year. Each public school shall publish schedules for statewide, standardized assessments and district-required assessments on its website using the uniform calendar, including all information required under paragraph (b). The school board-approved assessment uniform calendar must be included in the parent guide required by s. 1002.23(5).

(d)(e) A school district may not schedule more than 5 percent of a student's total school hours in a school year to administer statewide, standardized assessments; the coordinated screening and progress monitoring system under s. s- 1008.25(9)(b)2.; and district-required local assessments. The district shall must secure written consent from a student's parent before administering district-required local assessments that, after applicable statewide, standardized assessments and

581-00793A-24

20247004pb

coordinated screening and progress monitoring are scheduled, exceed the 5 percent test administration limit for that student under this paragraph. The 5 percent test administration limit for a student under this paragraph may be exceeded as needed to provide test accommodations that are required by an IEP or are appropriate for an English language learner who is currently receiving services in a program operated in accordance with an approved English language learner district plan pursuant to s. 1003.56. Notwithstanding this paragraph, a student may choose within a school year to take an examination or assessment adopted by State Board of Education rule pursuant to this section and ss. 1007.27, 1008.30, and 1008.44.

(g)(h) The results of statewide, standardized assessment in ELA and mathematics, science, and social studies, including assessment retakes, must shall be reported in an easy-to-read and understandable format and delivered in time to provide useful, actionable information to students, parents, and each student's current teacher of record and teacher of record for the subsequent school year; however, in any case, the district shall provide the results pursuant to this paragraph within 1 week after receiving the results from the department. A report of student assessment results must, at a minimum, contain:

1. A clear explanation of the student's performance on the applicable statewide, standardized assessments.

2. Information identifying the student's areas of strength and areas in need of improvement.

3. Specific actions that may be taken, and the available resources that may be used, by the student's parent to assist his or her child based on the student's areas of strength and

581-00793A-24

20247004pb

areas in need of improvement.

4. Longitudinal information, if available, on the student's progress in each subject area based on previous statewide, standardized assessment data.

5. Comparative information showing the student's score compared to other students in the school district, in the state, or, if available, in other states.

6. Predictive information, if available, showing the linkage between the scores attained by the student on the statewide, standardized assessments and the scores he or she may potentially attain on nationally recognized college entrance examinations.

The information included under this paragraph relating to results from the statewide, standardized ELA assessments for grades 3 through 10 and Mathematics assessments for grades 3 through 8 must be included in individual student reports under s. 1008.25(9)(c).

~~(9) CONCORDANT SCORES. The Commissioner of Education must identify scores on the SAT and ACT that if achieved satisfy the graduation requirement that a student pass the grade 10 ELA assessment. The commissioner may identify concordant scores on assessments other than the SAT and ACT. If the content or scoring procedures change for the grade 10 ELA assessment, new concordant scores must be determined. If new concordant scores are not timely adopted, the last adopted concordant scores remain in effect until such time as new scores are adopted. The state board shall adopt concordant scores in rule.~~

~~(10) COMPARATIVE SCORES FOR END-OF-COURSE (EOC)~~

581-00793A-24

20247004pb

~~ASSESSMENT. The Commissioner of Education must identify one or more comparative scores for the Algebra I EOC assessment. If the content or scoring procedures change for the EOC assessment, new comparative scores must be determined. If new comparative scores are not timely adopted, the last adopted comparative scores remain in effect until such time as new scores are adopted. The state board shall adopt comparative scores in rule.~~

Section 27. Paragraph (c) of subsection (5), paragraphs (b) and (c) of subsections (7), and subsection (9) of section 1008.25, Florida Statutes, are amended, to read:

1008.25 Public school student progression; student support; coordinated screening and progress monitoring; reporting requirements.—

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(c) To be promoted to grade 4, a student must score a Level 2 or higher on the statewide, standardized English Language Arts assessment required under s. 1008.22 for grade 3. If a student's reading deficiency is not remedied by the end of grade 3, as demonstrated by scoring Level 2 or higher on the statewide, standardized assessment required under s. 1008.22 for grade 3, the student must be retained unless the parent determines retention is not in the best interest of the student and approves a good cause exemption pursuant to paragraph (7)(b).

(7) ELIMINATION OF SOCIAL PROMOTION.—

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(c), for good cause. A student who is promoted to grade 4 with a good cause exemption shall be provided intensive reading instruction and intervention that include specialized diagnostic information and

581-00793A-24

20247004pb

specific reading strategies to meet the needs of each student so promoted. The school district shall assist schools and teachers with the implementation of explicit, systematic, and multisensory reading instruction and intervention strategies for students promoted with a good cause exemption which research has shown to be successful in improving reading among students who have reading difficulties. Good cause exemptions are limited to the following:

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program based on the initial date of entry into a school in the United States.

2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of s. 1008.212.

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading or English Language Arts assessment approved by the State Board of Education.

4. A student who demonstrates through a student portfolio that he or she is performing at least at Level 2 on the statewide, standardized English Language Arts assessment.

5. Students with disabilities who take the statewide, standardized English Language Arts assessment and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive instruction in reading or English Language Arts for more than 2 years but still demonstrates a deficiency and was previously retained in

581-00793A-24

20247004pb

prekindergarten, kindergarten, grade 1, grade 2, or grade 3.

6. Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. A student may not be retained more than once in grade 3.

7. A student must be promoted to grade 4 if the parent determines promotion is in the best interest of the student. The parent and the school must develop a student intervention plan. The intervention plan must be approved by the parent and may include, but is not limited to, interventions and supports under paragraph (5)(e) and subsection (8).

(c) Requests for good cause exemptions for students from the mandatory retention requirement as described in subparagraphs (b)3. and 4. shall be made consistent with the following:

1. Documentation shall be submitted from the student's teacher to the school principal that indicates that the promotion of the student is appropriate and is based upon the student's academic record. In order to minimize paperwork requirements, such documentation shall consist only of the existing progress monitoring plan, individual educational plan, if applicable, report card, or student portfolio.

2. The school principal shall review and discuss such recommendation with the teacher and make the determination as to whether the student should be promoted or retained, subject to a parent's permission pursuant to subparagraph (b)7. If the school principal determines that the student should be promoted, the school principal shall make such recommendation in writing to

581-00793A-24

20247004pb

the district school superintendent. The district school superintendent shall accept or reject the school principal's recommendation in writing.

(9) COORDINATED SCREENING AND PROGRESS MONITORING SYSTEM.—

(a) The Department of Education, in collaboration with the Office of Early Learning, shall procure and require the use of a statewide, standardized coordinated screening and progress monitoring system for the Voluntary Prekindergarten Education Program and public schools. The system must:

1. Measure student progress in meeting the appropriate expectations in early literacy and mathematics skills and in English Language Arts and mathematics standards as required by ss. 1002.67(1)(a) and 1003.41 and identify the educational strengths and needs of students.

2. For students in the Voluntary Prekindergarten Education Program through grade 3, measure student performance in oral language development, phonological and phonemic awareness, knowledge of print and letters, decoding, fluency, vocabulary, and comprehension, as applicable by grade level, and, at a minimum, provide interval level and norm-referenced data that measures equivalent levels of growth.

3. Be a valid, reliable, and developmentally appropriate computer-based direct instrument that provides screening and diagnostic capabilities for monitoring student progress; identifies students who have a substantial deficiency in reading or mathematics, including identifying students with characteristics of dyslexia, dyscalculia, and other learning disorders; and informs instruction. Any student identified by the system as having characteristics of dyslexia or dyscalculia

581-00793A-24

20247004pb

shall undergo further screening. Beginning with the 2023-2024 school year, the coordinated screening and progress monitoring system must be computer-adaptive.

4. Provide data for Voluntary Prekindergarten Education Program accountability as required under s. 1002.68.

5. Provide Voluntary Prekindergarten Education Program providers, school districts, schools, teachers, and parents with data and resources that enhance differentiated instruction and parent communication.

6. Provide baseline data to the department of each student's readiness for kindergarten. The determination of kindergarten readiness must be based on the results of each student's initial progress monitoring assessment in kindergarten. The methodology for determining a student's readiness for kindergarten must be developed by the department and aligned to the methodology adopted pursuant to s. 1002.68(4).

7. Assess how well educational goals and curricular standards are met at the provider, school, district, and state levels and provide information to the department to aid in the development of educational programs, policies, and supports for providers, districts, and schools.

(b) Beginning with the 2022-2023 school year, private Voluntary Prekindergarten Education Program providers and public schools must participate in the coordinated screening and progress monitoring system pursuant to this paragraph.

1. For students in the Voluntary Prekindergarten Education Program through grade 2, the coordinated screening and progress monitoring system must be administered at least three times

581-00793A-24

20247004pb

within a ~~program year or~~ school year, ~~as applicable~~, with the first administration occurring no later than the first ~~10~~ ~~30~~ instructional days after a student's enrollment or the start of the ~~program year or~~ school year, the second administration occurring midyear, and the third administration occurring within the last ~~10~~ ~~30~~ days of the ~~program or~~ school year pursuant to state board rule. The state board may adopt alternate timeframes to address nontraditional school year calendars or summer programs to ensure the coordinated screening and progress monitoring program is administered a minimum of three times within a year or program.

2. For students in the summer prekindergarten program, the coordinated screening and progress monitoring system must be administered two times, with the first administration occurring no later than the first 10 instructional days after a student's enrollment or the start of the summer prekindergarten program, and the second administration occurring within the last 10 days of the summer prekindergarten program pursuant to state board rule.

3. For grades 3 through 10 English Language Arts and grades 3 through 8 Mathematics, the coordinated screening and progress monitoring system must be administered at the beginning, middle, and end of the school year pursuant to state board rule. The end-of-year administration of the coordinated screening and progress monitoring system must be a comprehensive progress monitoring assessment administered in accordance with the scheduling requirements under s. 1008.22(7) ~~s. 1008.22(7)(c)~~.

(c) To facilitate timely interventions and supports pursuant to subsection (4), the system must provide results from

581-00793A-24

20247004pb

the first two administrations of the progress monitoring to a student's teacher within 1 week and to the student's parent within 2 weeks of the administration of the progress monitoring. Delivery of results from the comprehensive, end-of-year progress monitoring ELA assessment for grades 3 through 10 and Mathematics assessment for grades 3 through 8 must be in accordance with s. 1008.22(7) ~~s. 1008.22(7)(h)~~.

1. A student's results from the coordinated screening and progress monitoring system must be recorded in a written, easy-to-comprehend individual student report. Each school district shall provide a parent secure access to his or her child's individual student reports through a web-based portal as part of its student information system. Each early learning coalition shall provide parents the individual student report in a format determined by state board rule.

2. In addition to the information under subparagraph (a)5., the report must also include parent resources that explain the purpose of progress monitoring, assist the parent in interpreting progress monitoring results, and support informed parent involvement. Parent resources may include personalized video formats.

3. The department shall annually update school districts and early learning coalitions on new system features and functionality and collaboratively identify with school districts and early learning coalitions strategies for meaningfully reporting to parents results from the coordinated screening and progress monitoring system. The department shall develop ways to increase the utilization, by instructional staff and parents, of student assessment data and resources.

581-00793A-24

20247004pb

1219 4. An individual student report must be provided in a
1220 printed format upon a parent's request.

1221 (d) Screening and progress monitoring system results,
1222 including the number of students who demonstrate characteristics
1223 of dyslexia and dyscalculia, shall be reported to the department
1224 pursuant to state board rule and maintained in the department's
1225 Education Data Warehouse. Results must be provided to a
1226 student's teacher and parent in a timely manner as required in
1227 s. 1008.22(7)(f) ~~s. 1008.22(7)(g)~~.

1228 (e) The department, in collaboration with the Office of
1229 Early Learning, shall provide training and support for effective
1230 implementation of the screening and progress monitoring system.

1231 Section 28. Paragraph (c) of subsection (3) and subsection
1232 (4) of section 1008.33, Florida Statutes, are amended to read:

1233 1008.33 Authority to enforce public school improvement.—

1234 (3)

1235 (c) The state board shall adopt by rule a differentiated
1236 matrix of intervention and support strategies for assisting
1237 traditional public schools identified under this section and
1238 rules for implementing s. 1002.33(9)(n), relating to charter
1239 schools. The intervention and support strategies must address
1240 student performance and may include improvement planning;
1241 leadership quality improvement; educator quality improvement;
1242 professional development; curriculum review, pacing, and
1243 alignment across grade levels to improve background knowledge in
1244 social studies, science, and the arts; and the use of continuous
1245 improvement and monitoring plans and processes. In addition, the
1246 state board may prescribe reporting requirements to review and
1247 monitor the progress of the schools. The rule must define the

581-00793A-24

20247004pb

1248 intervention and support strategies for school improvement for
1249 schools earning a grade of "D" or "F" and the roles for the
1250 district and department. A school may not be required to use the
1251 measure of student learning growth in s. 1012.34(7) as the sole
1252 determinant to recruit instructional personnel. The rule must
1253 create a timeline for a school district's school improvement
1254 plan or district-managed turnaround plan to be approved and for
1255 the school improvement funds under Title I to be released to the
1256 school district. The timeline established in rule for the
1257 release of school improvement funding under Title I may not
1258 exceed 20 calendar days after the approval of the school
1259 improvement plan or district-managed turnaround plan.

1260 (4) (a) The state board shall apply intensive intervention
1261 and support strategies tailored to the needs of schools earning
1262 two consecutive grades of "D" or a grade of "F." In the first
1263 full school year after a school initially earns a grade of "D,"
1264 the school district must immediately implement intervention and
1265 support strategies prescribed in rule under paragraph (3)(c).
1266 For a school that initially earns a grade of "F" or a second
1267 consecutive grade of "D," the school district must either
1268 continue implementing or immediately begin implementing
1269 intervention and support strategies prescribed in rule under
1270 paragraph (3)(c) and provide the department, by September 15 ~~1~~,
1271 with the memorandum of understanding negotiated pursuant to s.
1272 1001.42(21) and, by October 1, a district-managed turnaround
1273 plan for approval by the state board. The district-managed
1274 turnaround plan may include a proposal for the district to
1275 implement an extended school day, a summer program, a
1276 combination of an extended school day and a summer program, or

581-00793A-24

20247004pb

any other option authorized under paragraph (b) for state board approval. A school district is not required to wait until a school earns a second consecutive grade of "D" to submit a turnaround plan for approval by the state board under this paragraph. Upon approval by the state board, the school district must implement the plan for the remainder of the school year and continue the plan for 4 ± full school years year. The state board may allow a school an additional year of implementation before the school must implement a turnaround option required under paragraph (b) if the school earns a first grade of "C" or higher after the fourth it determines that the school is likely to improve to a grade of "C" or higher after the first full school year of implementation.

(b) ~~Unless an additional year of implementation is provided pursuant to paragraph (a),~~ A school that, during the ~~completes a~~ plan cycle under paragraph (a), ~~and does not improve to a grade of "B" or higher or does not improve and maintain to a grade of "C" for 2 consecutive years or higher~~ must implement one of the following:

1. Reassign students to another school and monitor the progress of each reassigned student;

2. Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness; or

3. Contract with an outside entity that has a demonstrated record of effectiveness to provide turnaround services identified in state board rule, which may include school leadership, educational modalities, teacher and leadership professional development, curriculum, operation and management

581-00793A-24

20247004pb

services, school-based administrative staffing, budgeting, scheduling, other educational service provider functions, or any combination thereof. Selection of an outside entity may include one or a combination of the following:

a. An external operator, which may be a district-managed charter school or a high-performing charter school network in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.

b. A contractual agreement that allows for a charter school network or any of its affiliated subsidiaries to provide individualized consultancy services tailored to address the identified needs of one or more schools under this section.

c. A contractual agreement that allows for the school to become a community school model as defined in s. 1003.64(2)(c).

A school district and outside entity under this subparagraph must enter, at minimum, a 2-year, performance-based contract. The contract must include school performance and growth metrics the outside entity must meet on an annual basis. The state board may require the school district to modify or cancel the contract.

(c) Implementation of a turnaround option is not required if the school improved and maintained a grade of "C" or higher for 2 consecutive years, under paragraph (a). Implementation of the turnaround option is ~~not no longer~~ required if the school improves to a grade of "C" or higher, under paragraph (b).

~~(d) If a school earning two consecutive grades of "D" or a~~

581-00793A-24

20247004pb

~~grade of "F" does not improve to a grade of "C" or higher after 2 school years of implementing the turnaround option selected by the school district under paragraph (b), the school district must implement another turnaround option. Implementation of the turnaround option must begin the school year following the implementation period of the existing turnaround option, unless the state board determines that the school is likely to improve to a grade of "C" or higher if additional time is provided to implement the existing turnaround option.~~

Section 29. Section 1008.332, Florida Statutes, is amended to read:

1008.332 Committee of practitioners pursuant to federal Every Student Succeeds ~~No Child Left Behind~~ Act.—The Department of Education shall establish a committee of practitioners pursuant to federal requirements of the Every Student Succeeds ~~No Child Left Behind~~ Act of 2015 ~~2001~~. The committee members shall be appointed by the Commissioner of Education ~~and shall annually report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1.~~ The committee shall meet regularly and is authorized to review potential rules and policies that will be considered by the State Board of Education.

Section 30. Paragraph (c) of subsection (3) and subsection (5) of section 1008.34, Florida Statutes, are amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(c)1. The calculation of a school grade shall be based on the percentage of points earned from the components listed in

581-00793A-24

20247004pb

subparagraph (b)1. and, if applicable, subparagraph (b)2. The State Board of Education shall adopt in rule a school grading scale that sets the percentage of points needed to earn each of the school grades listed in subsection (2). There shall be at least five percentage points separating the percentage thresholds needed to earn each of the school grades. The state board shall annually review the percentage of school grades of "A" and "B" for the school year to determine whether to adjust the school grading scale upward for the following school year's school grades. The first adjustment would occur no earlier than the 2023-2024 school year. An adjustment must be made if the percentage of schools earning a grade of "A" or "B" in the current year represents 75 percent or more of all graded schools within a particular school type, which consists of elementary, middle, high, and combination. The adjustment must reset the minimum required percentage of points for each grade of "A," "B," "C," or "D" at the next highest percentage ending in the numeral 5 or 0, whichever is closest to the current percentage. Annual reviews of the percentage of schools earning a grade of "A" or "B" and adjustments to the required points must be suspended when the following grading scale for a specific school type is achieved:

- a. Ninety percent or more of the points for a grade of "A."
- b. Eighty to eighty-nine percent of the points for a grade of "B."
- c. Seventy to seventy-nine percent of the points for a grade of "C."
- d. Sixty to sixty-nine percent of the points for a grade of "D."

581-00793A-24

20247004pb

1393

1394

1395

1396

1397

1398

1399

1400

1401

1402

1403

1404

1405

1406

1407

1408

1409

1410

1411

1412

1413

1414

1415

1416

1417

1418

1419

1420

1421

When the state board adjusts the grading scale upward, the state board must inform the public of the degree of the adjustment and its anticipated impact on school grades. Any changes made by the state board to components in the school grades model or to the school grading scale shall go into effect in the following school year, at the earliest.

2. The calculation of school grades may not include any provision that would raise or lower the school's grade beyond the percentage of points earned. Extra weight may not be added in the calculation of any components.

(5) DISTRICT GRADE.—Beginning with the 2014-2015 school year, a school district's grade shall include a district-level calculation of the components under paragraph (3)(b). This calculation methodology captures each eligible student in the district who may have transferred among schools within the district or is enrolled in a school that does not receive a grade. The department shall develop a district report card that includes the district grade; the information required under s. 1008.345(3) ~~s. 1008.345(5)~~; measures of the district's progress in closing the achievement gap between higher-performing student subgroups and lower-performing student subgroups; measures of the district's progress in demonstrating Learning Gains of its highest-performing students; measures of the district's success in improving student attendance; the district's grade-level promotion of students scoring achievement levels 1 and 2 on statewide, standardized English Language Arts and Mathematics assessments; and measures of the district's performance in preparing students for the transition from elementary to middle

581-00793A-24

20247004pb

1422

1423

1424

1425

1426

1427

1428

1429

1430

1431

1432

1433

1434

1435

1436

1437

1438

1439

1440

1441

1442

1443

1444

1445

1446

1447

1448

1449

1450

school, middle to high school, and high school to postsecondary institutions and careers.

Section 31. Subsections (3), (4), and (5) of section 1008.345, Florida Statutes, are amended to read:

1008.345 Implementation of state system of school improvement and education accountability.—

~~(3) The annual feedback report shall be developed by the Department of Education.~~

~~(4) The commissioner shall review each district school board's feedback report and submit findings to the State Board of Education. If adequate progress is not being made toward implementing and maintaining a system of school improvement and education accountability, the State Board of Education shall direct the commissioner to prepare and implement a corrective action plan. The commissioner and State Board of Education shall monitor the development and implementation of the corrective action plan.~~

(3)(5) The commissioner shall annually report to the State Board of Education and the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. The report must ~~shall~~ include+

~~(a)~~ for each school district:

(a)1- The percentage of students, by school and grade level, demonstrating learning growth in English Language Arts and mathematics.

(b)2- The percentage of students, by school and grade level, in both the highest and lowest quartiles demonstrating learning growth in English Language Arts and mathematics.

(c)3- The information contained in the school district's

581-00793A-24

20247004pb

annual report required pursuant to s. 1008.25(10).

~~(b) Intervention and support strategies used by school districts whose students in both the highest and lowest quartiles exceed the statewide average learning growth for students in those quartiles.~~

~~(c) Intervention and support strategies used by school districts whose schools provide educational services to youth in Department of Juvenile Justice programs that demonstrate learning growth in English Language Arts and mathematics that exceeds the statewide average learning growth for students in those subjects.~~

~~(d) Based upon a review of each school district's reading instruction plan submitted pursuant to s. 1003.4201, intervention and support strategies used by school districts that were effective in improving the reading performance of students, as indicated by student performance data, who are identified as having a substantial reading deficiency pursuant to s. 1008.25(5)(a).~~

School reports must ~~shall~~ be distributed pursuant to this subsection and s. 1001.42(18)(c) and according to rules adopted by the State Board of Education.

Section 32. Paragraph (d) of subsection (2) of section 1000.05, Florida Statutes, is amended to read:

1000.05 Discrimination against students and employees in the Florida K-20 public education system prohibited; equality of access required.—

(2)

(d) Students may be separated by sex for a single-gender

581-00793A-24

20247004pb

program ~~as provided under s. 1002.311~~, for any portion of a class that deals with human reproduction, or during participation in bodily contact sports. For the purpose of this section, bodily contact sports include wrestling, boxing, rugby, ice hockey, football, basketball, and other sports in which the purpose or major activity involves bodily contact.

Section 33. This act shall take effect July 1, 2024.

The Florida Senate
APPEARANCE RECORD

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

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Street

Email

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:

Martin County Schools

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

11/15/23

Meeting Date

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

7004

Bill Number (if applicable)

Topic Public School Deregulation

Amendment Barcode (if applicable)

Name Jessica Janasiewicz (Jan-uh-see-wit-z)

Job Title Governmental Consultant

Address 119 South Monroe Street

Phone 850-681-6788

Street

Tallahassee

City

FL

State

32301

Zip

Email jessica@rutledge-ecenia.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Escambia, Santa Rosa, Marion and Osceola County School districts

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

11/15/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

7004

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Danielle Thomas

Phone

850-414-2578

Address

203 S. Monroe St

Email

Street

THANASSAR

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:

FSBA

☐

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)

APPEARANCE RECORD

11.15.23

7004

Meeting Date

Bill Number or Topic

Education

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

Committee

Amendment Barcode (if applicable)

Name

Albert Balido

Phone

850 251 3440

Address

201 W Park Ave

Email

Street

Tallah

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:

Unidos US

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

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

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

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

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

11/15/23

Meeting Date

SPB7004

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Mark Mottl

Phone

386-916-9275

Address

115 Vintage Ln

Email

markmottl@gmail.com

Street

Palatka

FL

32177

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

Meeting Date

11/14/23

Committee

Ed Prek-12

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

Bill Number or Topic

7004

Amendment Barcode (if applicable)

Name

Yolande Cash Jackson

Phone

305-431-2976

Address

1 East Broward Blvd

Email

YJACKSON@BECKER
LAWFERS.COM

Street

City

Ft Land

State

Zip

33015

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

SPB 7004

11/15/23

Meeting Date

Education Pre K-12

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Nancy Lawther, Ph.D.

Phone

407 855-7604

Address

1747 Orlando Central Pkwy

Street

Orlando FL 32809

City

State

Zip

Email

legislation@florida
pta.org

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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Nov 15 2023

Meeting Date

Prek-12 Education

Committee

7004

Bill Number or Topic

Amendment Barcode (if applicable)

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

Name Marie - Claire Leman Phone 850-728-7514

Address 1911 Wahalaaw ct Email marieclaireleman@gmail.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:

☐ 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

SRB 7004

11-15-2023

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

DAWN STEWARD

Phone

407-645-0273

Address

2130 Blossom Lane

Email

stu2130@aol.com

Street

Winter Park FL

32789

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)

11/15/2023

The Florida Senate
APPEARANCE RECORD

SPB7004

Meeting Date

Education PreK-12

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jimmy Ross Phone 850-974-2375

Address 924 Cocobolo Drive Email jross18933@~~out~~gmail.com
Street

Santa Rosa Beach FL 32459
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:

Representing Florida Association of School Administrators

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)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

11/15/23

Meeting Date

PreK 12

Committee

7004

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

Sue Wolanski

Phone

305 240 1565

Address

146 Westminster

Email

kingwolt@yahoo.com

Street

Tavernier FL

33070

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

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

11-15-23

Meeting Date

Education

Committee

7004

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Alva Smith

Phone

830-933-8869

Address

3407 Donegal Dr.

Email

alvasmithtally@yale.edu

Street

Tall

FL

32309

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)

11/15/2023

Meeting Date

Education

Committee

The Florida Senate
APPEARANCE RECORD

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

SB 7004

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Angie Gallo

Phone

407-718-9925

Address

445 W. Ameila Street

Email

Street

Orlando

City

FL

State

32801

Zip

Speaking:

☐ For

☐ Against



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

15 NOV 2023

Meeting Date

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

7004

Bill Number or Topic

Re Ed Submittal

Committee

Amendment Barcode (if applicable)

Name

Michelle Dillon

Phone

904-226-0359

Address

94 LINCOLN ST.

Street

Email

dillon.michelle11@yahoo.com

St. Augustine FL

City

State

32084

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)

11/15/2023

Meeting Date

Education PreK-12

Committee

The Florida Senate

APPEARANCE RECORD

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

SPB 7004

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Brian T. Moore

Phone

850-577-5784

Address

208 S. Monroe St.

Email

bmoore@fadss.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:

Fla Assoc of District School
Supers



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)

APPEARANCE RECORD

7004

11/15/2023

Meeting Date

Bill Number or Topic

Education

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

Committee

Amendment Barcode (if applicable)

Name Superintendent Mark McQueen

Phone

Address Bay County School District
Street

Email

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)

APPEARANCE RECORD

7004

Bill Number or Topic

Amendment Barcode (if applicable)

11/15/2023

Meeting Date

Education

Committee

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

Name Superintendent Russell Hughes

Phone

Address Walton County School District
Street

Email

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)

11/15/2023

Meeting Date

Education

Committee

Name Superintendent Robby Edwards

Phone

Address Lafayette County School District
Street

Email

City

State

Zip

The Florida Senate

APPEARANCE RECORD

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

7004

Bill Number or Topic

Amendment Barcode (if applicable)

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)

11/15/2023

Meeting Date

Education

Committee

The Florida Senate

APPEARANCE RECORD

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

7004

Bill Number or Topic

Amendment Barcode (if applicable)

Name Superintendent Kevin Hendrick Phone _____

Address Pinellas County School District Email _____
Street

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)

APPEARANCE RECORD

7004

Bill Number or Topic

Amendment Barcode (if applicable)

11/15/2023

Meeting Date

Education

Committee

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

Name Superintendent Chris Cowart

Phone

Address Levy County School District

Email

Street

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)

APPEARANCE RECORD

7004

Bill Number or Topic

Amendment Barcode (if applicable)

11/15/2023

Meeting Date

Education

Committee

Deliver both copies of this form to
Senate professional staff conducting the meetingName Superintendent Sherrie Raulerson

Phone _____

Address Baker County School District
Street

Email _____

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

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Appropriations Committee on Criminal
and Civil Justice
Appropriations Committee on Transportation,
Tourism, and Economic Development
Criminal Justice
Education Pre-K -12
Fiscal Policy
Rules

JOINT COMMITTEES:

Joint Committee on Public Counsel Oversight

SENATOR CLAY YARBOROUGH

4th District

November 13, 2023

Chair Corey Simon
303 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Chair Simon

I would like to request an excused absence from committee scheduled on Wednesday, November 15th, due to a family matter.

Thank you for your consideration of this request

Regards,

A handwritten signature in blue ink that reads "Clay Yarbrough". The signature is fluid and cursive, with a long horizontal stroke at the end.

Clay Yarbrough

REPLY TO:

- ☐ 1615 Huffingham Road, Suite 1, Jacksonville, Florida 32216 (904) 723-2034
- ☐ 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5004

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

From: [Fishman, Julie](#)
To: [Simon, Corey](#); [Bouck, Matthew](#)
Cc: [Williams, Secret](#); [Smith, Nijah](#)
Subject: Excused Absence for Committee Meeting on November 15th
Date: Tuesday, November 7, 2023 3:35:21 PM
Attachments: [image005.png](#)
[image006.png](#)

Good afternoon,

Senator Osgood will not be in attendance for the Education Pre-K – 12 Committee meeting scheduled on Wednesday, November 15th as she is scheduled to attend an event back in the District at that time

Regards,

Julie Fishman

Julie Fishman (she/her)
Chief Legislative Assistant to
State Senator Rosalind Osgood
District 32

District Office

8491 West Commercial Blvd.
Tamarac, FL 33351
954-321-2705

Tallahassee Office

226 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100
850-487-5032



Scan here to sign up for Senator Osgood's newsletter!



Florida has a very broad public records law. Most written communication to or from state officials regarding state business are considered to be public record and will be made available to the public and the media upon request. Your email message may, therefore, be subject to public disclosure. Please see Article I, § 24 of the Florida Constitution, § 11.0431, Florida Statutes, and House Rule 14.1

CourtSmart Tag Report

Room: KB 412 **Case No.:** -
Caption: Senate Committee on Education Pre-K -12

Type:
Judge:

Started: 11/15/2023 2:01:50 PM
Ends: 11/15/2023 3:50:38 PM **Length:** 01:48:49

2:01:50 PM Meeting called to order, roll call
2:02:15 PM Quorum is present
2:02:25 PM Chair Simon excuses Senator Yarborough and Senator Osgood
2:02:40 PM Chair Simon opening remarks
2:02:55 PM Tab 3 - SPB 7004 by Ed; Deregulation of Public Schools/Assessment and Accountability, Instruction, and Education Choice
2:03:01 PM Chair Simon turns chair to Chair Burgess
2:03:20 PM Chair Burgess recognizes Senator Simon
2:03:59 PM Chair Simon explains the bill
2:04:35 PM Questions
2:04:37 PM Chair Burgess recognizes Senator Jones
2:04:54 PM Senator Jones
2:05:04 PM Chair Simon
2:05:30 PM Senator Jones
2:05:53 PM Senator Simon
2:06:22 PM Senator Jones
2:06:32 PM Senator Simon
2:06:59 PM Senator Jones
2:07:24 PM Senator Simon
2:07:34 PM Senator Berman
2:08:11 PM Senator Simon
2:08:37 PM Senator Berman
2:09:10 PM Senator Simon
2:09:30 PM Senator Berman
2:09:48 PM Senator Simon
2:10:21 PM Senator Berman
2:11:24 PM Senator Simon
2:12:10 PM Senator Hutson
2:12:51 PM Senator Simon
2:12:57 PM No further questions
2:13:12 PM Public Testimony
2:13:20 PM Superintendents recognized by Chair Burgess
2:14:10 PM Superintendent Sherrie Raulerson, Baker County School District
2:17:37 PM Superintendent Chris Cowart, Levy County School District
2:19:13 PM Superintendent Kevin Hendrick, Pinellas County School District
2:21:18 PM Superintendent Robby Edwards, Lafayette County School District
2:25:04 PM Superintendent Russell Hughes, Walton County District
2:27:28 PM Superintendent Mark McQueen, Bay County School District
2:31:30 PM Senator Calatayud
2:32:42 PM Brian T. Moore waived in support
2:33:23 PM Michelle Dillon
2:35:10 PM Angie Gallo, Orange County School Board Member
2:36:29 PM Alva Smith
2:37:36 PM Sue Woltanski
2:40:45 PM Jimmy Ross, Florida Association of School Administrators
2:42:29 PM Dawn Steward
2:45:59 PM Marie-Claire Leman
2:49:45 PM Nancy Lawther, Ph.D., Florida PTA
2:53:16 PM Chair Burgess reads appearance cards waiving
2:54:18 PM Senator Burgess recognizes Senator Jones
2:55:19 PM Senator Jones
2:55:59 PM No further debate

2:57:01 PM Chair Burgess recognizes Senator Simon to close on the bill
3:01:49 PM Senator Simon closes on the bill
3:03:30 PM Roll call on SPB 7004
3:04:02 PM Chair Burgess reports the bill
3:04:13 PM Chair Burgess turns chair to Senator Simon
3:04:31 PM Tab 1 - SPB 7000 by Ed; Deregulation of Public Schools/Instructional, Administrative, and Support Personnel
3:05:18 PM Chair Simon recognizes Senator Calatayud
3:05:32 PM Senator Calatayud explains the bill
3:05:39 PM No Questions
3:05:43 PM Appearance Forms - Public Testimony
3:06:16 PM Brian T. Moore, Fla Assoc of District School Superintendents
3:07:17 PM Michelle Dillon waives in support
3:07:36 PM Brent Jones
3:09:08 PM Mark Motl
3:12:30 PM Senator Jones
3:12:38 PM Micheal Greenan
3:15:12 PM Carmen Ward
3:18:27 PM Kalisha Baptiste
3:23:26 PM Sue Woltanski
3:27:08 PM Nancy Lawther, Ph. D., Florida PTA
3:29:02 PM Marie Claire Leman
3:30:33 PM Chair Simon reads appearance cards waiving
3:31:32 PM Chair Simon turns chair to Senator Burgess
3:31:55 PM Debate
3:32:33 PM Senator Jones
3:33:05 PM Senator Burgess recognizes Senator Calatyud to close on the bill
3:33:35 PM Senator Calatyud closes on the bill
3:35:33 PM Roll Call on SPB 7000
3:35:59 PM Chair Burgess reports the bill
3:36:17 PM Tab 2 - SPB 7002 by Ed; Deregulation of Public Schools/ School District Finance and Budgets, Facilities, and Administration and Oversight
3:36:45 PM Chair recognizes Senator Hutson to explain the bill
3:37:13 PM Senator Hutson explains the bill
3:38:00 PM Questions:
3:38:04 PM Senator Jones
3:38:18 PM Senator Hutson
3:38:27 PM Senator Jones
3:38:34 PM Senator Hutson
3:39:12 PM Senator Jones
3:40:12 PM Senator Hutson
3:40:55 PM Senator Berman
3:41:17 PM Senator Hutson
3:42:27 PM Chair Burgess recognizes appearance forms - Speaking
3:43:23 PM Michele White
3:43:43 PM Michelle Dillon
3:44:11 PM Sue Woltanski
3:45:38 PM Marie Claire Leman
3:46:48 PM Brian T. Moore, Fla Assoc of District School Superintendents
3:47:44 PM Chair Burgess reads appearance cards waiving
3:48:32 PM No Debate
3:48:40 PM Chair Burgess recognizes Senator Hutson to close on the bill
3:49:04 PM Senator Hutson closes on the bill
3:49:15 PM Roll Call on SPB 7002
3:49:34 PM Chair Burgess reports the bill
3:50:00 PM Senator Berman voted after
3:50:09 PM Senator Collins moves to adjourn
3:50:23 PM Meeting adjourned